City of Toronto
Planning & Development Department

Stephen G. McLaughlin
Commissioner

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Reference / Subject:

METROPOLITAN
TORONTO
CENTRAL
LIBRARY
Municipal Reference

June 29, 1982

Alderman Michael Gee
and
Members of Land Use Committee.

Dear Alderman Gee and Members:

Re: Wintergarden Theatre Complex

Support for the rehabilitation of the Wintergarden Theatre Complex should be uppermost in the minds of Council. The purchase of this historic building by the Province of Ontario and the commitment by a private consortium to operate the theatre complex for the significant economic and cultural benefits to the citizens of Toronto, is to be applauded.

Unfortunately, the particular technique proposed by the Province, of selling residual density rights, is fraught with legal, planning, and design problems.

My objective is to recommend a positive approach to Council that will ensure the renewed vitality of the Wintergarden Complex, within the broader context of the City's planning and development policies and within a workable financial framework.

This requires a two-pronged approach: Firstly, the strategic impact of the Wintergarden Complex on the total block, must be exploited to create a focus for theatre activity in Toronto--given the presence of three major historical theatres, including the Old Massey Hall. Secondly, a creative solution to the transfer of development rights must be found in order that significant private money can be injected into this most important public project.

The three reports, attached, are submitted to you and the Committee for consideration and approval.

Sincerely yours,

Stephen G. McLaughlin,
Commissioner

Att.

CITY OF TORONTO
PLANNING AND DEVELOPMENT DEPARTMENT

545/11611 543/71007
CC&W/Management
June 29, 1982

To: Land Use Committee

Subject: Report on the transfer of commercial densities from the Wintergarden and Elgin theatres to the Financial District including:

Section A. Preliminary report on Application No. 1611 by Citicom Inc. for amendments to the Official Plan and Zoning By-law for its lands at 95 Wellington Street West and 12 Piper Street; and

Request by the Hon. John White, Chairman, The Ontario Heritage Foundation, to transfer excess commercial density from the site of the Wintergarden and Elgin theatres to the Citicom lands referred to above.

Section B. Revitalization concept for lands in the block bounded by Queen, Yonge, Shuter and Victoria Streets, including the Wintergarden and Elgin theatres and Massey Hall.

Section C. Proposed Official Plan policy to permit transfer of density from historic centres for the performing arts and the achievement of the objective of the revitalization plan for the Queen Yonge Shuter Victoria block.

Origin: Commissioner of Planning and Development (c711uc82338:175)

Summary:

An application has been made by Citicom Inc. and supported by the Province through the Ontario Heritage Foundation for amendments to the Official Plan and Zoning By-law to permit the transfer of excess commercial density from an historic theatre complex owned by the Province, the Wintergarden and Elgin theatres located on the east side of Yonge Street opposite Eaton Centre, to lands in the Financial District on Wellington Street West adjacent to the Toronto Club, an architecturally significant building. The proposed transfer of density from a property designated under the

Ontario Heritage Act and located in an area designated High Density Mixed Commercial-Residential in the Official Plan to a site in the Financial District raises numerous policy questions related to the principles underlying the Official Plan provisions for the Central Area of the City and in particular to the provisions of the Official Plan which have the objective of encouraging and facilitating the conservation of buildings of significant architectural or historic value or interest. Also with respect to the site to which it is proposed the excess commercial density would be transferred, the application raises questions regarding the conditions that should be applied to the receiving site to ensure that the increase in density on the receiving site is appropriate particularly in terms of the resulting built form and compatibility and environmental contextual consideration. The application for the density transfer also raises questions about the future development of the area in which the Wintergarden theatre and numerous other historic buildings including Massey Hall are located, an area which Council has sought to designate as a "Redevelopment Area" under the Planning Act.

This report deals with these matters in three parts:

Section A analyses the transfer of density that has been requested in terms of the proposed donor site - the Wintergarden and Elgin theatres, the proposed receiving site - the Wellington St. lands, the earlier application related to the Wellington Street lands to close and convey part of a City street and lane, and the relevant Official Plan considerations. It concludes that the transfer of excess commercial density from the Wintergarden and Elgin theatres to the Wellington Street lands should not be permitted except in accordance with a policy of general application incorporated in an amendment to the Official Plan provided that this density is appropriate in terms of built form impact and compatibility with development which exists or is proposed for adjacent areas and that the maximum density on the Wellington Street lands would not exceed the mixing formula constant for the Financial District.

It is my understanding the the Wintergarden project was undertaken by the Province pursuant to their agreement with Citicom respecting the transfer of 100,000 square feet of commercial density. This recommended Official Plan amendment set out in Appendix Six and discussed in Section C of this report would, when implemented, permit the transfer of approximately 50,000 square feet of commercial gross floor area. I should be requested to discuss the implication of this with appropriate representatives of the Province, to report back to Council later, if necessary.

Section B discusses the potential for redevelopment of the block on which the Wintergarden and Elgin theatres are located and

outlines a revitalization concept for the block focussing on the historic theatres and buildings. It recommends that Council endorse this approach and that the Commissioner of Planning and Development be authorized to prepare an Official Plan Amendment and recommendations for other measures necessary to implement the concept.

Section C discusses a proposed density transfer policy of general application dealing with historic buildings which accommodate or are to accommodate centres principally for the performing arts. This proposed policy would be added to the Official Plan. It also discusses and recommends a site-specific Official Plan amendment to effect a transfer of part of the development rights from the Wintergarden lands to 95 Wellington Street West and 12 Piper Street and outlines the circumstances which would have to be met in order that the transfer of density from the Wintergarden and Elgin theatres to the Citicom lands in the Financial District could promote rather than detract from the achievement of the revitalization of the Queen/Yonge/Shuter/Victoria block (called in this report the "Wintergarden block"). Finally, it recommends a procedure to be followed to implement both the transfer of density and the revitalization plan, in a manner that will ensure that the Province's and the City's objectives will be consistent and will be achieved.

SECTION A

Subject:

a) Preliminary report on Application No. 1611 by Citicom Inc. for amendments to the Official Plan and Zoning By-law for its lands at 95 Wellington Street West and 12 Piper Street; and

b) Request by the Hon. John White, Chairman, The Ontario Heritage Foundation, to transfer excess commercial density from the site of the Wintergarden and Elgin theatres to the Citicom lands.

Comments:

A1.0 Background

A1.1 Citicom Applications

An application has been made by Citicom Inc. through their solicitor, Mr. J. J. Carthy, of Weir and Foulds, for amendments to the Official Plan and Zoning By-law to permit a substantially higher non-residential density than is permitted by the Official Plan on lands owned by Citicom Inc. on the south side of Wellington Street between Bay Street and York Street. The application is in respect of two parcels of land, 95 Wellington Street and 12 Piper Street, that are completely separated by the City lane that runs between Wellington Street and Piper Street. The effect of the amendments which are sought would be to permit the development of 21,352 sq.m. of non-residential density on 95 Wellington Street West and 12 Piper Street, a density which is equivalent to 15.9 times the area of these parcels.

In his covering letter, dated April 26, 1982, (contained in Appendix One to this report) submitted with the application, Mr. Carthy has requested that the application respecting the parcels on Wellington Street and Piper Street be read in conjunction with two other applications:

1. an application by Citicom Inc. dating from August 1980 and revised by the letter from Citicom of December 21, 1981 to close and convey a portion of Piper Street and the lane between the two above-mentioned parcels, which is described in Section 1.4 below; and

2. an application by the owners of the Wintergarden Theatre, located at 189 Yonge Street, which is described in Section A1.2 below.

A1.2 Province of Ontario's Request

The Province of Ontario, through the Ministry of Citizenship and Culture and the Ontario Heritage Foundation, purchased the Wintergarden and Elgin Theatres in December 1981 and, in conjunction with a consortium of private theatre interests, intends to restore the two theatres to their original grandeur and operate them for live theatre productions as well as the location of the annual movie event - Festival of Festivals. The renovations which are required to revitalize these two theatres are extensive. They are estimated to cost eight to ten million dollars and are scheduled to commence in the fall of 1982.

In order to defray the costs to the public sector of acquiring, restoring and upgrading to modern standards the Wintergarden and Elgin Theatres, the Ministry of Citizenship and Culture has entered into an agreement, described in Section 1.3 below, with Citicom Inc. by which Citicom Inc. has agreed to purchase the excess commercial gross floor area from the Wintergarden site up to a maximum of 100,000 square feet of commercial gross floor area, or such part thereof as may be transferable to the Wellington Street lands owned by Citicom, i.e. 95 Wellington Street and 12 Piper Street.

No formal application has been received in respect of the Wintergarden lands which is owned by the Province of Ontario through the Ontario Heritage Foundation. However, in his letter dated May 4, 1982, (contained in Appendix Two to this report) to the Mayor and members of City Council, the Honourable John White, the Chairman of the Foundation, stated:

> "... Please treat this letter as an application and our request to you and the City Council to transfer 100,000 square feet of commercial density from the Wintergarden/Elgin lands to the Wellington Street property of Citicom Inc."

In this letter, Mr. White relates the 100,000 square feet proposed to be transferred to the commercial density of 4.5 x permitted on the site by the present zoning CR L4.5 U480, and requests that the gross floor area of the existing Wintergarden and Elgin theatres be excluded from the calculation of density. As explained by Mr. White in his letter, the Province of Ontario is requesting that special consideration be given to the calculation of permissible density on the Wintergarden and Elgin site to create 100,000 square feet of commercial gross floor area for sale to Citicom:

> "... We would ask that the entire floor area of the Wintergarden/Elgin theatre complex, together with the additional public and other areas to be added (i.e., those areas which we, ourselves, propose to use to make the building fully functional) be granted a special

historic bonus, or be exempted from the calculation of "non-residential" floor area, and that the site be restricted in its use to the operation of two performing theatres together with ancillary uses."

A1.3 Agreement between Citicom and the Province

Citicom has apparently agreed to pay the Province $70 per square foot for up to 100,000 square feet of transferred commercial gross floor area. The sale price is to be paid when an amendment to the Official Plan has received final approval pursuant to the Planning Act.

By this Agreement, the Province has apparently agreed with Citicom that the increase in density on the Citicom land would be by a transfer of the rights to commercial density from the Wintergarden site. The Honourable John White, Chairman of the Ontario Heritage Foundation, in his letter dated May 4, 1982, states:

> "... the Foundation and the Ministry have found a purchaser for the densities, the purchaser being Citicom Inc., who has agreed to purchase the commercial densities from the Wintergarden site for the price of $7 million, based on 100,000 square feet of commercial floor area being transferred or added to the site which they propose to develop."

Both the Province and Citicom have acknowledged that the actual amount of commercial gross floor area transferred from the Wintergarden lands to the Wellington Street lands may be less than 100,000 square feet, and that the Agreement respecting the purchase applies to the actual amount of excess commercial gross floor area transferred by finally approved Official Plan Amendments, whatever its area.

A1.4 Previous Applications by Citicom

In December 1980, Citicom Inc. made an application in respect of these same properties for development review of a proposed office building. It conformed with the existing Official Plan and Zoning By-law maximum density provisions but not with certain other zoning regulations. The development review application was related to Citicom's application of August 1980 to close and convey to Citicom. the lane between Wellington Street and Piper Street and a part of Piper Street adjacent to the lane.

On March 18, 1981, the Commissioner of Public Works advised Citicom by letter that he was prepared to recommend that the lane between Piper Street and Wellington Street and a part of Piper Street adjacent thereto be closed and conveyed provided Citicom agreed, amongst other things, to enter into a Development Agreement which would require Citicom to maintain the lane as a

"through vehicular way for public use" conditional upon the consent of the owners of land abutting the lane being obtained.

The Commissioner of Planning and Development, in a letter dated November 17, 1981, advised that since the development proposal did not comply with the provisions of the Zoning By-law in several respects, the application could not be processed for Development Review.

By letter dated December 21, 1981, Citicom requested that the original application be amended to reflect the revised proposal for a partial lane closing only. The Commissioner of Public Works report on the revised request to close and convey the southern portion of the lane and part of Piper Street, is pending receipt of the necessary comments of the Commissioner of Planning and Development respecting built form land policy considerations relevant to the request.

A1.5 Recent Events

Mr. B. S. Onyschuk of Perry, Farley and Onyschuk, representing the Ontario Heritage Foundation, has requested, in a letter dated May 21, 1982, that his delegation and that of Citicom be permitted to appear before the Land Use Committee on this matter.

Alderman Michael Gee, Chairman of Land Use Committee, submitted a letter (contained in Appendix Three) to the Members of the Land Use Committee that was endorsed by the Committee at its meeting on May 28, 1982. Alderman Gee noted in connection with the applications and requests by both Citicom and the Province respecting the transfer of density from the Wintergarden lands to the Financial District that the Wintergarden and Elgin theatres were located in one of the blocks which Council had recommended be designated as a Redevelopment Area under the Planning Act, for which enactment of the necessary by-law by City Council was pending the approval of the Minister of Municipal Affairs and Housing. The Committee requested that the Commissioner of Planning and Development report on "planning opportunities for the block (bounded by Queen, Yonge, Shuter and Victoria) and consider whether the transfer of commercial density off the block is likely to prevent the City from realizing those opportunities....at the same time that he reports on the application by Citicom for the proposed transfer of commercial density to 95 Wellington Street....for consideration at its meeting on June 14, 1982 because of the urgency of the matters".

This report responds to that request.

A1.6 Queen, Yonge, Shuter, Victoria Block

The planning opportunities for the Wintergarden block, which is bounded by Queen, Yonge, Shuter and Victoria Streets, are directly

related to the restoration and use of the Wintergarden and Elgin Theatres and Massey Hall. These major cultural resources could play a vital role in the revitalization of the block as well as cultural and economic life of the City and the Province in the future. Section B of this report outlines a concept for revitalization of this block based on an assessment of the planning opportunities presented by these facilities and the involvement of the Province. Section C of this report discusses the impact of the proposed density transfer on the realization of opportunities with respect to the Wintergarden block.

A2.0 Details of Applications

A2.1 Citicom

Citicom Inc. has requested an amendment to the Official Plan and Zoning By-law to permit the development of 21,352 square metres of non-residential density on the proposed site which comprises lands owned by Citicom Inc. at 95 Wellington Street West and 12 Piper Street and the portion of the street and lane which is proposed to be closed. This amount of density represents approximately 10,600 square metres more than the approximately 10,752 square metres (or 114,097 square feet) permitted in the Financial District by the Official Plan and Zoning By-law on these parcels of land. If the requested amendments were made, the density of the proposed Citicom site would be raised from 8 x the site area to 15.9 x coverage.

Citicom's reason for this request is stated in the application: "...the Wintergarden Theatre site at 189 Yonge Street will receive cash benefits to enable it to restore and preserve the theatre in the event that additional density is awarded to the Citicom property".

In his covering letter, Mr. Carthy requests that the application be considered "on its planning merits as a project which fits into the scale of what is proposed for this area and also to bear in mind the collateral benefit that will accrue from the companion application on the Wintergarden site and the utilization of funds which will be paid to the Minister of Culture and Recreation".

Locational maps, plans and elevations submitted with the application are attached to this report.

The applicant proposes to construct a 22 storey office building of 21,352 m2 on the site with retail uses at grade. A private through way for vehicles between Wellington Street and Piper Street replacing the southern portion of the present lane, would be provided passing beneath the building at grade.

The site plan for the proposed building as shown in Figure 5 indicate that the building would be setback approximately 3 metres

from the lot line on Wellington Street. On the east lot line, the building would be located on the lot line and set back 1.2 metres above the floor over half of this length. On Piper Street, the building would be almost on the lot line for half the width, with a 1.6 metre setback for the remainder. On the west, the setback would be approximately 3.4 metres at the south end and directly adjacent to the public lane at the north end.

More than half of the proposed east elevation (see Figure 4) has no windows where the building is located on the lot line, i.e. for 50% of its depth. The percentage of window openings in the remainder of the east elevation is very small as restricted by the building code for a wall close to the lot line. This elevation faces the proposed TD fourth tower and could be directly adjacent to a landscaped open space area replacing the existing Royal York parking garage.

The portion of the proposed building (which would be located on 12 Piper Street) would be immediately south of the Toronto Club parking lot which affects the lane separating the Toronto Club lands from 95 Wellington Street West. The new building would be adjacent to the Toronto Club, a low-rise building of architectural significance.

Access to parking and loading facilities would be from the southern end of the proposed private lane. The proposed building can apparently accommodate parking spaces only 4.5 m long, well below the standard of 5.9 m per space.

A2.2 Application for Street and Lane Closing

Through revisions to their earlier application, Citicom is seeking the closing and conveyancing of a portion of the City lane between Piper Street and Wellington Street and the abutting portion of Piper Street (shown on Figure 3) in order to create the proposed development site with frontage on Wellington Street West.

The original application was for the closing of the entire lane permitting building above and below the laneway. The neighbouring Toronto Club was not supportive of this closing, hence the revised request by Citicom to close only the southern portion.

Piper Street is a minor street designated as one-way eastbound that runs from York Street to the Royal Bank lands where it then becomes a north-south private street of narrow pavement width. Wellington Street is one-way westbound and York Street is one-way north bound.

A2.3 Details of Province's Request

The Province has requested that 100,000 square feet (9,290 sq.m.) of excess commercial density be transferred from the Wintergarden

lands to the Wellington Street property of Citicom and that the gross floor area of the Wintergarden complex be excluded from the calculation of density on the theatre site.

However, the renovated Wintergarden and Elgin theatres would utilize a large portion of the basic commercial gross floor area permissible on its lot and therefore the excess commercial gross floor area on the Wintergarden site does not amount to 9 290 sq.m. (100,000 square feet) under the current Official Plan and Zoning By-law provisions as is explained below.

A2.3.1 Density Calculations for Wintergarden lands

The Wintergarden lands are located within an area designated High Density Mixed Commercial Residential (HDMCR) in the Official Plan. The Official Plan indicates that HDMCR areas should contain a balance of commercial and residential uses at relatively high densities and it establishes a maximum density of 4.5 x for commercial uses, with a maximum for mixed commercial and residential uses of 7.8.

In calculating the excess commercial gross floor area for the Wintergarden lands, the proposed additions to the theatres would be included in the calculation of density. The present Official Plan and Zoning By-law do not provide for the exclusion of the gross floor area of historic buildings from density calculations except where Section 1A.42(b) of the Official Plan applies. Based on the data set out below, the permissible commercial gross floor area for the Wintergarden lands would be 9,194 square metres which is 3,026 square metres in excess of the total gross floor area for the renovated theatres.

Site area	2 043 sq.m.	
Commercial Density, 4.5 x site area =		9 194 sq.m.
Existing gfa in theatres	5 415 sq.m.	
Proposed additions	753 sq.m.	
Total gfa in theatres as renovated		6 168 sq.m.
Excess Commercial gfa		3 026 sq.m.

In order to encourage and facilitate the conservation of buildings of historic or architectural value or interest, the Official Plan provides for the gross floor area of a designated historic building to be excluded from the calculation of maximum density on its lot, through rezoning, subject to certain restrictions and conditions, in association with redevelopment on the lot that incorporates the historic building. Section 1A.42(b) provides for the lesser of 1.125 x the lot area (where the lot is located in an

HDMCR area as the Wintergarden site is) or the gfa of the historic building to be excluded from density calculation.

The objective of this provision is to minimize the difficulty of retaining the historic building by permitting the total commercial gross floor area in the development on the lot to be calculated without counting the gross floor area of the historic building. The Official Plan does not provide for this special calculation of density to be combined with the transfer of excess commercial density.

For the Wintergarden/Elgin complex:

Existing gfa	= 5 415 sq.m.
1.125 x lot area	= 2 298 sq.m.

Under Section 1A.42(b) the lesser of the two figures above, or 2,298 sq.m., could be excluded from the calculation of density in association with development on its lot. The present applications, however, are for a transfer of density to another lot in another District.

A3.0 Official Plan Considerations

Amendment(s) to the Official Plan have been requested to permit an increase in commercial density on the parcels of land at 95 Wellington and 12 Piper Street by a transfer of density from the Wintergarden lands. The effect of the amendments which are sought would be to permit a density of 15.9 x, or approximately twice the commercial density of 8 x that would normally be permitted by the Official Plan for any lot in the Financial District. The construction of 53 housing units would also be permitted on the site under the mixing formula constant of 12 provided in the Official Plan applying to these lands. Amendments to the Zoning By-law are also sought to implement these Official Plan Amendments.

A3.1 Density Transfer from Wintergarden Lands

Mr. Carthy, on behalf of Citicom, has indicated that their application for increased density is not made under, or as an amendment to, the density transfer policy for small sites contained in Section 3A.5(f) of the Official Plan. However, as noted above, the Honourable Mr. White, in his letter of May 4, 1982, indicates that the Province is seeking the transfer of excess commercial gross floor area from the Wintergarden/Elgin lands to the Wellington Street lands owned by Citicom.

There is no planning basis on which Mr. Carthy's proposal can be granted as requested. The density of development would far exceed not only the existing combined density maximum of 8 x but also the

mixing formula constant of 12. Some relief may be given to Citicom on a basis along the lines of that proposed by the Honourable Mr. White. However, there is no policy in the Official Plan presently that would permit the type of density transfer contemplated by the request from the Province.

Section 3A.5(f) is the only provision in the Official Plan that permits the transfer of density between non-adjacent sites, and provides 9 conditions that must be satisfied. In particular, both sites must be small lots (less than 0.405 hectares in size), located in the same Official Plan district, located within 150 m. of each other, and the aggregate density on either lot may not exceed the mixing formula constant for the District, i.e. 12 times the site area for the Financial District. The proposal does not conform to the existing density transfer policy in three major respects:

i) the lots are not located in the same Official Plan district. The Wintergarden/Elgin site is located in the High Density Mixed Commercial Residential Area whereas the Wellington Street property is located in the Financial District.

ii) the distance between the two lots is 725 metres, greatly exceeding the maximum distance of 150 m. provided in Section 3A.5(f).

iii) the proposed commercial density of 15.9 times the site area greatly exceeds the maximum density for the Financial District of 12 permitted on a lot by the provisions of Section 3A.5(f).

The proposal does not conform with any of the provisions of Section 3A.5(f). More importantly, it does not conform with the object of that section, which is to encourage the development of small sites (less than 1 acre in size) through permitting as much flexibility as possible to develop the permitted commercial and residential densities in separate buildings.

Without a policy in the Official Plan under which the transfer of density would occur, the rezoning of the Wellington Street lands to a density higher than that permitted in the Financial District, would not be in conformity with the Official Plan.

Clearly, an amendment to the Official Plan would be required to permit the transfer of density which is sought by the Province and Citicom.

A crucial aspect of the existing transfer policy for small lots (3A.5(f)) is the restriction of building bulk to the mixing formula constant for the Official Plan district or area. The constant of 12 in the Financial District prevents the development

of overly large buildings on small lots, helps to maintain the built form characteristics of the area, and protects the interests of adjacent property owners.

This policy is sound and the same limitation should be applied to prevent the pyramiding of densities under any proposed transfer policy in respect of historic buildings used primarily for the purposes of the performing arts.

Citicom has applied for amendments that would have the effect of increasing the commercial density on their Wellington Street lands to 15.9 x coverage, considerably in excess of the mixing formula constant of 12 provided by the Official Plan.

As discussed below in Section C, the transfer of excess commercial density from the Wintergarden site to the Wellington Street site should only be considered in the context of a new policy to be incorporated into the Official Plan by way of an Official Plan amendment.

Such a transfer could only be considered if the mixing formula constant of 12 were not exceeded and if the various concerns of built form and planning considerations can be dealt with satisfactorily, and if it can be demonstrated that such a transfer of density would not detract from the future development of the lands adjacent to the Wintergarden site in the Queen, Yonge, Shuter, Victoria block. Further, the permission for additional commercial gross floor area up to the maximum density provided by the mixing formula constant should be accompanied by a corresponding reduction in the residential density permitted to ensure that the limitation on building bulk of 12 x provided by the Official Plan remains in effect.

Appropriate amendments to the Official Plan is outlined and recommended in Section C of this report.

A3.2 Lane Closing

In the event that the Commissioner of Public Works should recommend in favour of the request, closing and conveyancing of the portion of Piper Street and the public lane would be conditional upon compliance with Section 1A.46(a) of the Official Plan as well as the execution of a Development Agreement respecting the design of the proposed development and treatment of the street and lane.

Section 1A.46(a) of the Official Plan sets out the requirements for the closing and sale of public streets and lanes. This section indicates that public rights of way will generally not be sold or leased, except where the City obtains in return for the lane to be closed or sold the ownership of the effective public right of use of at least an equal area at grade for continuous use

by pedestrians and vehicular traffic. The area obtained must serve at least as important a function providing needed and logical routes as the land sold or leased, and the replacement area must be open to the sky or top lit by natural daylight through a transparent glass roof.

On the proposed site at 95 Wellington Street West the required area might be provided along the east lot line in the form of a 2.5 metres setback which will be discussed below in Section A4.3.

A4.0 Relevant Considerations

A4.1 Planning Context of Wellington Street lands

The Planning Context for the Wellington Street lands is shown on Figure 6. The two parcels of land lie within the Financial District between Wellington Street West and Piper Street, east of York Street, and are presently used as surface parking lots. Both parcels abut the lane, and the requested lane closing is for that portion of the lane that extends the depth of the Piper Street parcel.

The Toronto Club, a men's club located in premises built in 1888 according to designs by the noted Toronto architects Darling & Pearson, is the abutting owner on the west side of the lane. The Toronto Club is designated under the Ontario Heritage Act as being of historic and architectural value or interest. The portion of the lane abutting the Toronto Club lands is not the subject of Citicom's request. It is not proposed that it be closed.

The lands adjacent to the west of 12 Piper Street are occupied by an office building 16 storeys in height, Prudential House, which has been listed by the Toronto Historical Board.

On the north side of Wellington Street opposite the 95 Wellington Street parcel is located the open space of the Toronto Dominion Centre and the Commercial Union office building.

To the east of the parcel at 95 Wellington Street is located a 7 storey parking structure owned by Canadian Pacific Hotels. This site, along with the adjacent site at 75 Wellington West, is subject of a proposal by Cadillac Fairview, for the construction of the fourth tower in the Toronto Dominion Centre and similar in design to the other three towers.

The Royal York Hotel is located to the south across Piper Street.

The proposed development site (shown on Figure 3) is L-shaped with 15.24 metres frontage on Wellington. It comprises the two parcels of land owned by Citicom Inc. that are divided by the City lane that runs between Wellington Street West and Piper Street, and the southern portion of the City lane. 95 Wellington Street West is

891 sq. m. in size and 12 Piper Street is 280 sq. m. with a frontage of only 11.6 m.

A4.2 Traffic and Planning Concerns Relevant to Lane Closing

The applicant has requested the lane closing in order to create a development site from two small non-contiguous parcels of land. The feasibility of development of these individual parcels would appear to be limited because of their size, location and narrow frontage. One of the parcels fronts only on Piper Street. The site resulting from combining these two parcels with the southern portion of the lane has most of the same limitations, except for the fact that it becomes one parcel rather than two separated parcels.

The advisability of the closing requires consideration of other factors in addition to the provisions of Section 1A.46(a) the feasibility of the requested lane closing should be evaluated by the Public Works Department in light of the existing and proposed uses on adjacent lands and the importance of the lane in providing through-block access between Wellington Street and Piper Street.

A4.3 Built Form

It was stated above that the proposed transfer of density to the Wellington Street lands could only be considered if the mixing formula constant of 12 times were not exceeded and if, among other things, satisfactory treatment of the resulting built form could be ensured.

Existing and proposed buildings on Wellington Street are of exceptional architectural quality and are set well back from the streetline, providing substantial open space and landscaping: the 3 towers of the Toronto-Dominion Centre on the north side of Wellington Street and King Street: and the Royal Bank Plaza on the south side are among the most prestigious locations for offices in Toronto. They have generous setbacks ranging from 13 metres (44 feet) at the Royal Bank to 23 metres (75 feet) at the Toronto Dominion Tower.

The proposed 4th tower in the Toronto-Dominion Centre complex is to be located on the lands abutting and immediately to the east of the Citicom parcel at 95 Wellington Street. Preliminary plans indicate that the 4th tower would be similar in design to the existing 3 towers of the Toronto-Dominion complex, and that it would be located in such a way on its site as to provide a setback 11 metres (77 feet) from Wellington Street and from the lot line of the Citicom parcel.

The Toronto Club is one of 26 sites in the Financial District that has been designated under the Ontario Heritage Act. Built in the late 19th century in the Romanesque style, it is 3 storeys in

height. Its smaller scale and red stone add a unique element of human scale to the streetscape on Wellington Street. It is the only building on the south side of Wellington Street between Bay and York Streets that will remain built to the street line.

To be consistent with the taller buildings along Wellington Street in this block, any tall building at 95 Wellington Street should have a setback of at least 11 metres (36 feet) from the street. Such a setback would also tend to reduce the overpowering effect of an expansive building mass on the neighbouring Toronto Club. It is important that any development respect the scale of this historic building. The proposed removal of the Royal York parking garage would greatly enhance this setback.

The east elevation of the building as proposed by Citicom would be largely without windows because there is a minimal setback from the east lot line. The percentage of window openings permitted in a wall by the Ontario Building Code is related to the distance the wall is set back from the lot line. This side of the building would face the proposed Toronto Dominion fourth tower and overlook the adjacent open space. The largely windowless expanse of this wall is not appropriate to the situation. A setback adequate to permit sufficient windows on this east elevation should be provided.

The site at 95 Wellington Street West is situated at the south end of the line of a significant view terminating at the Royal York Hotel with its picturesque roof details. This view line (Figure 8) extends from the Richmond-Adelaide Centre just south of Richmond Street, along a pedestrian walkway through First Canadian Place and the Toronto Dominion Centre to the Royal York Hotel. Any building more than 20 storeys in height would block the view of the Royal York Hotel roof. To preserve this view, the height of a building on this site should not exceed 20 storeys.

Should the Commissioner of Public Works indicate that the portions of the street and lane proposed to be included in this site are no longer needed as a public thoroughfare and therefore recommend in favour of Citicom's application to close and convey these, the provisions of Section 1A.46(a) of the Official Plan would apply. These would require that an equal area at grade be made available to the City as a thoroughfare for pedestrians and, if appropriate, vehicles.

In this event, a public walkway for pedestrians equivalent in area to the closed lane should be required along the east lot line of 95 Wellington Street West to provide access to Piper Street and Union Station. This could be achieved with a setback of 2.5 metres along the east lot line.

Further, to permit the development of a satisfactory east elevation overlooking the proposed fourth tower of the Toronto-

Dominion Centre, to provide a through way for pedestrians in return for the City which is proposed to be closed, equal in area to the portion that is to be closed and to preserve the view of the Royal York Hotel, a setback of 2.5 metres (8 feet) from the east lot line of 95 Wellington Street West should be required.

A4.4 Access, Parking and Loading Facilities

The particularly narrow dimensions of the proposed site make difficult the provision of adequate maneouvering space for loading and entry to underground parking. The proposed parking facilities do not meet the City's parking standards applicable to such a building.

A5.0 Conclusions

If the Official Plan Amendments proposed in Section C are adopted by Council, the Commissioner of Planning and Development should be requested to report on the zoning for the Citicom lands taking into consideration the comments of the Commissioner of Public Works respecting the requested lane and street closing, the resulting built form and compatibility of it with existing and proposed development on the adjacent lands and other planning considerations outlined in this report.

SECTION B

Subject:

Revitalization concept for lands in the block bounded by Queen, Yonge, Shuter and Victoria Streets including the Wintergarden and Elgin Theatres and Massey Hall.

B1.0 Introduction

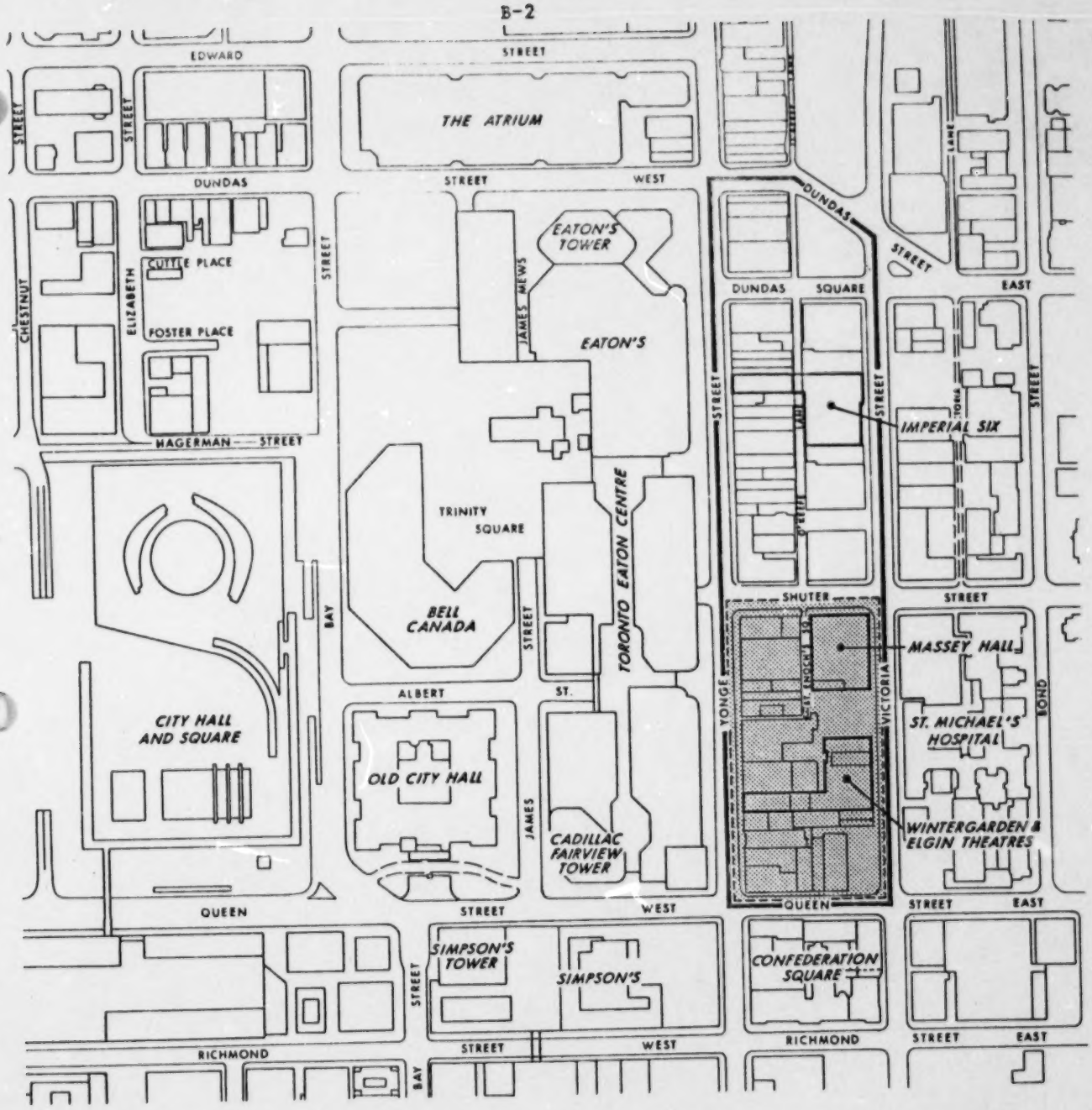
The City block bounded by Queen, Yonge, Shuter and Victoria Streets in the heart of downtown Toronto (See Figure 1) is an important and unique block in terms of the cultural heritage of the City. It contains: three major (and historical) theatre facilities (the Wintergarden and Elgin Theatres located at 189 Yonge Street and Massey Hall located at 21 Shuter Street), three historical bank buildings (at 175, 197 and 205 Yonge Street) and the former Heintzman building at 193 Yonge Street (See Figure 2).

Despite its strategic location at one of the main urban intersections in Canada and directly across the street from Canada's major tourist attraction, Eaton's Centre, the block has remained largely unchanged in the last ten years unlike adjacent lands in the Centre Core.

In December, 1981 the Province of Ontario, through its Ministry of Citizenship and Culture and the Ontario Heritage Foundation, purchased the Wintergarden and Elgin Theatres and, in conjunction with a consortium of private theatre interests, intends to restore the two theatres to their original grandeur and operate them for live theatre productions as well as the location of the annual movie event - Festival of Festivals. These renovations are estimated to cost between eight and ten million dollars and are scheduled to commence in the fall of 1982.

The other major theatre on the block, Massey Hall, has been for many years the home of the Toronto Symphony Orchestra. When the Toronto Symphony Orchestra moves to its new facility, Roy Thomson Hall, in the fall of 1982, it is uncertain what will happen to this grand old hall and how it will be used in the future.

The Province's intentions with regard to the Wintergarden and Elgin Theatres, a concern for the future of Massey Hall and the preservation of buildings of historical and architectural significance, and the overall strategic location and importance of the block with regard to downtown revitalization prompted City Council on October 9, 1982 to indicate its concern about the future of the block by giving two readings to a draft by-law designating the three City blocks bounded by Yonge, Queen, Dundas and Victoria Streets as a Redevelopment Area under Section 22 of the Planning Act.



PROPOSED REDEVELOPMENT AREA BOUNDARY

WINTERGARDEN BLOCK

KEY MAP

1

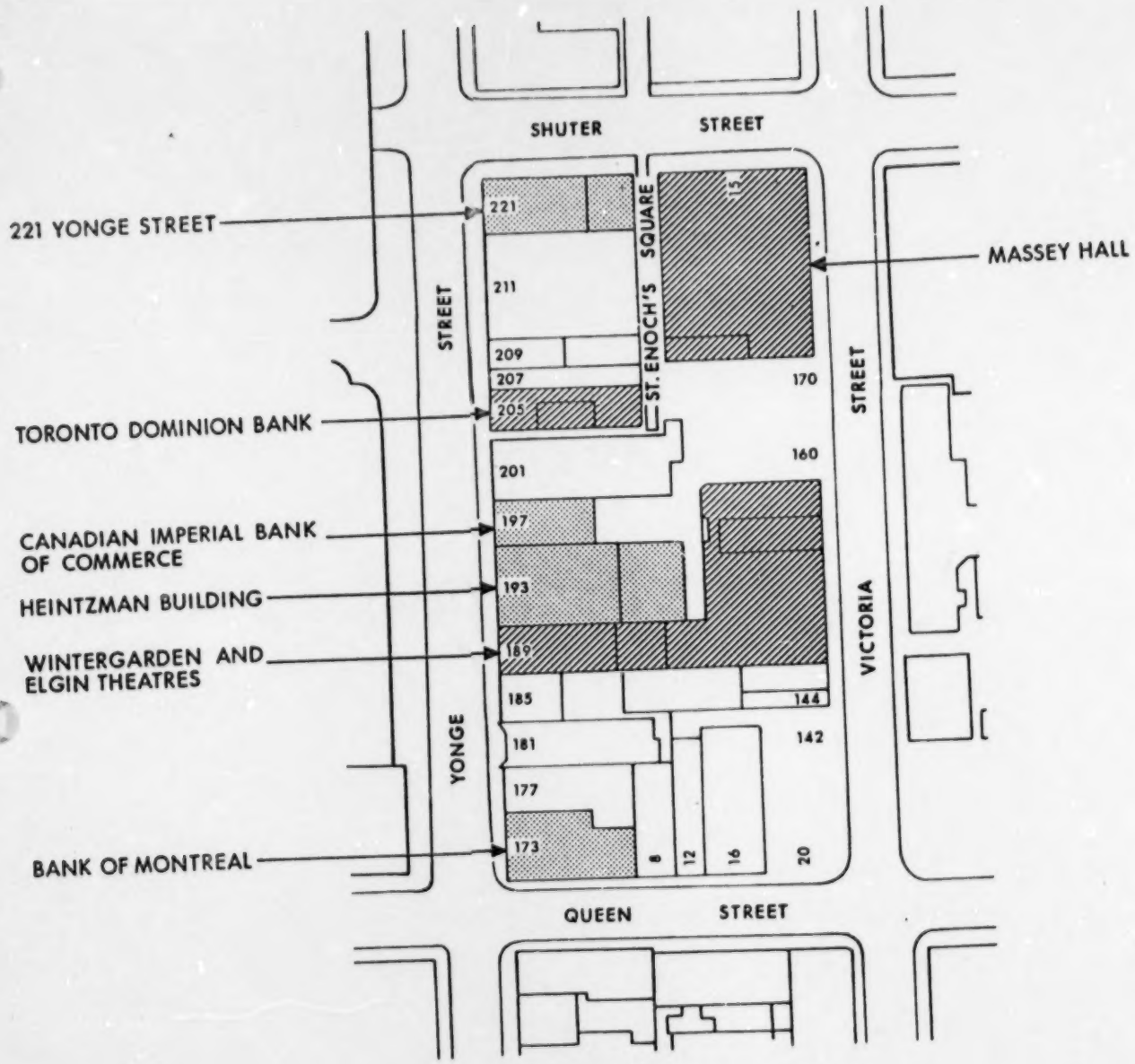
APPLICATION No 1611

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING

JUNE, 1982



DESIGNATED UNDER THE ONTARIO HERITAGE ACT

LISTED BY TORONTO HISTORICAL BOARD

HISTORICAL BUILDINGS

APPLICATION No. 1611

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

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JUNE, 1982

2

In light of Council's repeated statements of interest and concern about the block, the pending applications on the part of Citicom and the Ontario Heritage Foundation to transfer density from the Wintergarden and Elgin Theatres to the Financial District, and the Province's commitment to undertake the renovation of the Wintergarden and Elgin Theatres this year, the Planning and Development Department has initiated a planning analysis of the block in question to lay the groundwork for the development of a detailed redevelopment area plan for this block and the two immediately to the north and to provide the basis for a response to the applications by Citicom and the Province.

This section of the report describes an overall general concept for the revitalization of the block; a series of key factors to be considered in the development of a detailed redevelopment plan; the major objectives to be achieved in any revitalization scheme and a series of recommendations concerning future planning of the block.

B2.0 The Revitalization Concept

Given the dominant presence of the three theatres on the block, the Province's intentions with regard to the Wintergarden and Elgin Theatres and the uncertainty surrounding the future of Massey Hall, a unique opportunity may now be at hand to create a major performing arts centre strategically located in the heart of the downtown. There is no question that Toronto needs and is capable of supporting a major centre for the performing arts to accommodate events such as musical and dance performances and Broadway-type theatrical productions. As recently as March of this year, Saturday Night Magazine carried an article, the sub-title of which read: "For all it's vitality, Toronto theatre lacks a centre." The article goes on to note that while Toronto theatre cannot begin to compete with New York or London, it is otherwise unmatched in the English-speaking world. And yet, the article claims "something is missing". There's no "big time".

Provided that certain deficiencies in the three theatres are corrected and their restoration and re-use take place within the context of a revitalization scheme which symbolically and functionally ties the theatres together, the combined capacity (some 5,000 seats) of the theatres could provide Toronto theatre with that added vitality it so badly needs to enter the "big-time". They could provide a performing arts focus unequalled in Canada not only for the residents of the City and Metropolitan Toronto but for visitors from other parts of Ontario and Canada and from outside the country.

Further, with regard to the tourist market, it should be pointed out that arts facilities and events are not only high on most tourists' lists of things to see and do when travelling but they do, in themselves, play a significant role in tourists' choices of

places to visit. For example, in a recent market segmentation study of the motives for American travel to Europe, Ogilvy and Mather found that roughly 40% of those surveyed who had recently been to Europe or who were planning a trip cited the presence of theatre as an important criterion in choosing their travel destination points. Similarly, 28% of those surveyed who had recently travelled to Europe cited the presence of opera/ballet/music as a reason for selecting a particular place to visit.

Are these motives substantiated by the actual activity patterns of tourists? According to the Ogilvy and Mather Study they are. Of those surveyed who had actually travelled to Europe, 56% reported that they had attended music recitals and concerts and a quarter reported visiting the opera or ballet.

The importance of the arts to tourism and to the image and economy of a city is evident throughout North America. Speaking at a 1980 conference in Toronto on "The Arts & Tourism", Sandra Hillman, Director of Promotion and Tourism for the City of Baltimore, emphasized the critical role that the arts had played in not only turning around "a city that some considered one of the worst places in the world to live" but also in the development of "a multi-million dollar tourism industry in the last two years".

Given the importance of the performing arts to tourism, it is quite likely that the block, or a major portion thereof, if developed with the right sensitivity and creativity with regard to public spaces, amenities and support services, could also become a major national and international tourist attraction adding significantly to Toronto's already dominant role in the Canadian tourism market.

B3.0 Key Factors to be Considered in the Development of a Revitalization Plan for the Theatre Block

The following section identifies five major factors to be considered in any revitalization scheme for the block based on the concept described above. These factors are described below under the following headings:

1. Theatre Deficiencies
2. Historic Buildings
3. Existing Uses and Densities
4. Planning Context
5. Transportation

B3.1 Theatre Deficiencies

B3.1.1 Massey Hall:

It is generally acknowledged that Massey Hall has served an important role in the community in spite of numerous physical deficiencies. As it is operated as a rental hall, certain physical inadequacies have been accepted in order to maintain moderate rental rates. A report prepared for the Massey Hall Task Force in April 1976, entitled "Future Uses and Remodeling Possibilities of Massey Hall" prepared by Woods, Gordon and Co. identifies two main areas in which deficiencies are seen in Massey Hall: booking arrangements and the physical structure itself. Since the main problem with bookings relates to the priority given the TSO, these problems should be alleviated once the TSO relocates.

Complaints about the physical structure of the building can be summarized as follows:

Outside the Auditorium:

- lack of lobby space
- inadequacy of washrooms
- lack of facilities for refreshments
- box office facilities inadequate
- backstage area too small
- lack of dressing rooms
- lack of adequate administrative offices
- a number of fire hazards exist
- the building is not as safe as could be wished in case of fire

Inside the Auditorium:

- noise from the street is disturbing
- lines of sight from some seats are not good especially where obstructed by pillars
- sound system is inadequate
- acoustics for the performers are considered imperfect

Further, lack of air conditioning imposes a serious limitation on usage: Massey Hall cannot be used for 3 months in the summer.

The Woods, Gordon report recommended a major renovation of the existing building coordinated with an expansion of approximately 40,000 sq. ft. minimum in order to resolve the functional and public safety inadequacies of Massey Hall. It stressed that the location of the additon could play a critical role in correcting physical deficiencies and in providing a catalyst for future revitalization of the area and its historic buildings. The report recommended that the expansion of the existing building should

occur to the south of the Massey Hall and that it should accommodate the new foyer as well as backstage area.

The report also recommended that an east-west mid-block pedestrian route between Yonge Street and Victoria Street be located between the historic banks on Yonge Street and between the Wintergarden and Elgin Theatres and Massey Hall on Victoria Street. The walkway was visualized as being, initially, an exterior walkway that would develop into a glass-roofed pedestrian arcade providing access to both the subway and St. Michael's Hospital.

B3.1.2 Wintergarden and Elgin Theatres:

The Province of Ontario has announced its intention to restore the Wintergarden and Elgin Theatres as nearly as possible to its original condition. However, for both theatres to be made functional for their proposed use for live theatre, resolution is required of similar inadequacies as have been identified for Massey Hall: access to the Wintergarden must be improved by providing mechanical access to supplement the many flights of stairs in the grand staircase; lobby space, refreshment area and washrooms need to be upgraded; additional space is required for dressing rooms, backstage, storage and service; provisions for public safety such as fire exits and fire stairs need to be improved, and fire hazards eliminated. The Province intends to create the kind of theatre facilities required currently for live theatre productions, through extensive renovations within the restored shells of these historic theatres.

With the Wintergarden and Elgin Theatres and Massey Hall being similar in size and function, with the auditoriums of the Wintergarden and Elgin Theatres located approximately 100 feet directly south of the auditorium in Massey Hall, and with similar physical deficiencies to be resolved through major renovations to achieve facilities up to modern standards, it would seem obvious that the question whether these additional facilities could serve both the Wintergarden and Elgin Theatres and Massey Hall, should be investigated. The conclusion in the Woods, Gordon report that the renovation and expansion of Massey Hall would serve as a catalyst for revitalization of the area, as well as resolving physical deficiencies, applies equally to the implementation of renovation plans for the Wintergarden and Elgin Theatres.

B3.2 Historic Buildings

The Wintergarden and Elgin Theatres building at 189 Yonge St. extends through the block from Yonge Street to Victoria Street dividing the 3 acre block bounded by Yonge, Shuter, Victoria and Queen Streets into two sectors - a north sector, 2 acres in size, and a south sector of 1 acre. Massey Hall is located directly north of and separated by several parking lots from the Wintergarden and Elgin Theatres on Victoria Street.

The Wintergarden and Elgin Theatres and Massey Hall are regarded as significant parts of the City's architectural heritage, reflected in the fact that they are designated under the Ontario Heritage Act as properties of historic or architectural value or interest.

Two magnificent banks flank the Yonge Street frontage of the empty lot that separates the Wintergarden and Elgin Theatres from Massey Hall: the Toronto-Dominion Bank (205 Yonge Street) by the Toronto architect E. J. Lennox, and the Bank of Commerce (197 Yonge Street) by the architectural firm of Darling & Pearson.

There are three other buildings fronting on Yonge Street in this block that have been listed as architecturally significant by the Toronto Historical Board: the Bank of Montreal (173 Yonge Street) at the corner of Queen and Yonge, also by Darling & Pearson; the building with the cast-iron facade at 221 Yonge Street, and the Heintzman building at 193 Yonge Street, formerly occupied by Marks & Spencer.

Of these 5 historic commercial buildings, only the Toronto-Dominion Bank has been designated under the Ontario Heritage Act.

All of the historic buildings and theatres are located in the north sector of the block with the exception of the Bank of Montreal.

The historic buildings and theatres occupy a total area on the block of 72,103 sq. ft., representing nearly 50% of the area of the entire block, and nearly 70% of the north sector. As most of these buildings are built to densities considerably below the maximum density permitted, the existing density in the historic buildings and theatres amounts to approximately 213,166 sq. ft., equivalent to a density of 1.43 x over the block and 1.93 x on the north sector alone.

Massey Hall and the Wintergarden and Elgin Theatres together occupy nearly 1 acre or half the site area of the north sector. Both facilities are massive buildings that rise to approximately 90 feet in height on Victoria Street, with parking lots being the only other use on this street.

B3.3 Existing Uses and Densities on the Block

There are twelve individual parcels of land in the north sector of the block: six contain historic buildings; two are used as surface parking lots; and four are covered by commercial buildings of no particular architectural or historic merit. The two largest commercial buildings in the north sector, the Adams Furniture building at 211 Yonge Street and the Heintzman building at 193 Yonge, are built to densities of 5.9 and 6.4 times the lot area respectively. In both of these latter cases these densities

considerably exceed the commercial density of 4.5 x permitted in an HDMCR area by the present Official Plan provisions. The remaining commercial buildings have densities of approximately 3 x.

Presently, there are ten individual parcels of land in the south sector. One is occupied by an historical building - the Bank of Montreal; two are being used for surface parking; and the remaining seven parcels contain commercial buildings of no particular architectural or historic merit at densities ranging from 2 to 5 x coverage.

B3.4 Planning Context

Figure 3 illustrates the Official Plan designations introduced by the Central Area Plan amendments applying to lands in the theatre block and lands in the immediate vicinity.

The theatre block is subject to two land-use designations in the Official Plan with the boundary between the Financial District and the HDMCR area coinciding with the south wall of the Wintergarden and Elgin building. The lands north of and including the Wintergarden and Elgin Theatres are designated High Density Mixed Commercial Residential, lands south of the theatres, are designated Financial District.(1) It should be noted that these are the only lands north of Queen Street with the Financial District designation; Queen Street between Yonge Street and Simcoe Street establishes the northerly limit of the Financial District. Similarly, the theatre block establishes the easterly boundary of the HDMCR area.

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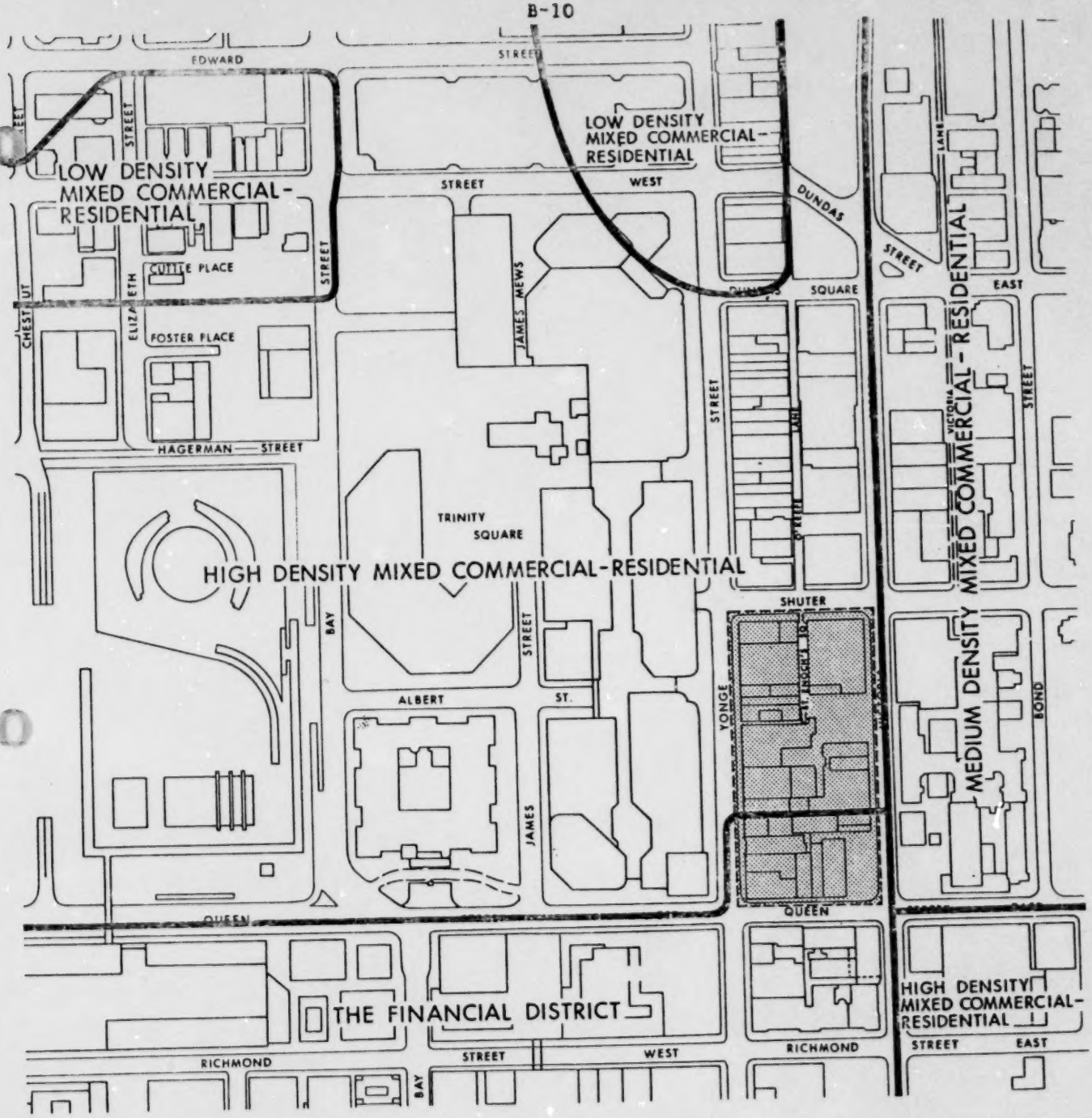
(1) A special provision, Section 11.38, was added to the Official Plan for the lands in the south sector as a result of objections to the Central Area Plan by the property owners. This provision applies the designation "Financial District" to the site but limits the permitted uses and densities to 8.0 x commercial and excludes the residential component generally permitted in the Financial District and reflected in the mixing formula constant of 12 for a mixed commercial and residential building.



EXISTING OFFICIAL PLAN

APPLICATION No 1611

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING

JUNE, 1982

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B3.4.1 Development on Adjacent Financial District Lands:

It can be seen from Figure 3 that lands to the south and west of the theatre block are located in the Financial District which the Official Plan indicates is to be predominantly commercial at high density, containing the City's major concentration of office employment.

The block bounded by Queen, Yonge, Temperance and Bay Streets is occupied by the Robert Simpson Company department store, a suilding of 7-8 storeys in height covering the block dating from the 1890' and the Simpson Tower at the south east corner of Queen and Bay containing 32 floors of office space built in the 1960's. The overall density on the block is approximately 12 x. The development of this entire block predates the Central Area Plan.

Directly south of the theatre block is the new Confederation Square, mixed-use development by Fidinam (Canada) Ltd. which when completed will cover the entire block bounded by Yonge, Queen, Victoria and Richmond Streets to the maximum density of 12 x now permitted by the Official Plan in the Financial District. It will include a 37 storey tower of commercial and residential uses. In addition, the historic Confederation Life building is being restored and integrated into the development thus allowing for a density exemption of 2 x for the designated building.

B3.4.2 Development in Adjacent HDMCR Areas:

Figure 2 also shows that lands to the west and the north of the theatre block are designated HDMCR. The Official Plan indicates that HDMCR Areas should contain a balance of commercial and residential uses at relatively high densities, and establishes a maximum density of 4.5 x for commercial uses, with a maximum total density of 7.8 x for mixed uses.

Both Phase I and Phase II of the Eaton's Centre lands, between Yonge Street and Bay Street from Queen Street to Dundas Street, are now designated HDMCR in the Official Plan although each is the subject of a site specific Official Plan policy statement (Section 11.31 and 11.44).

Eaton's Centre Phase I, located between the west side of Yonge Street and James Street extending from Queen Street to Dundas Street, was built under the provisions of the previous Official Plan and Zoning By-law which permitted a maximum density of 12 x on these lands. The Phase I development is set back 20 feet from the street line on Yonge Street and consists of a 36 storey office tower on Queen Street and a 26 storey office tower on Dundas Street linked by a structure of approximately 5 storeys extending from Queen to Dundas containing retail uses and parking along the Yonge Street facade. The entrance to the Yonge Street parking structure is from Shuter Street. Site specific height controls

apply to Eaton Centre Phase I which permit three towers (defined as a building exceeding the maximum permitted height of the Eaton's store) to be erected to a height not in excess of the height of the Simpson Tower. One of these towers may be built partially within a special height district lying 100 feet west of Yonge Street. Although construction has not commenced as yet, it is proposed to erect this tower north of the westerly projection of the north limit of Shuter Street.

Eaton's Centre Phase II, including the new Bell Canada building now under construction at Bay Street and Albert Street, is subject to a special amendment which provides a specific set of uses, maximum densities and mixing formula. Instead of the commercial density of 4.5 x provided generally in HDMCR areas, Section 11.31 provides for a maximum commercial density of 6.5 x, and a corresponding increase in the mixing formula constant from 7.8 x to 9.8 x, subject to certain provisions.

An application for Official Plan, Zoning By-law and Agreement amendments to permit a redevelopment of undeveloped densities on Eaton Centre Phases I and II as well as the Holy Trinity Church lands, is being considered by the City at the present time.

A similar set of uses and maximum densities is applied by Section 11.32 to the portions of the Twigg-Trizec-Citicom lands on the north side of Dundas between Yonge Street, Bay Street and Edward Street. These are also located within the HDMCR Area.

The lands on the north side of Shuter Street are presently occupied by older commercial buildings with densities of approximately 3 to 5 times coverage. The lands at the north west corner of Shuter and Victoria Streets are the subject of an application by Cadillac-Fairview Ltd. for a residential building at the maximum density permitted in the HDMCR area for an exclusively residential building.

B3.4.3 Development in Adjacent MDMCR Areas:

The area to the east of the theatre block, is designated MDMCR, which the Official Plan indicates shall be regarded as predominantly residential, with a mix of residential, commercial and institutional uses permitted at medium density, and with an overall density limit of 4 x for mixed use developments.

St. Michael's Hospital, located on the east side of Victoria Street and extending from Queen Street to Shuter Street, is built to an overall density of approximately 5 x. The new addition to the hospital is 12-15 storeys in height and is located directly east of Massey Hall on Victoria Street.

B3.5 Transportation

Public transit facilities serving the block include the Yonge Street subway, which has entrances at Albert Street and Queen Street, the Queen streetcar and the Yonge Street bus. Yonge Street is under the jurisdiction of Metropolitan Toronto, with Queen, Victoria and Shuter Streets all under the jurisdiction of the City of Toronto.

The Central Area Traffic Management Study has recently recommended that the pavement width of Yonge Street be narrowed by 6 feet but only between Shuter Street and Gerrard Street. The proposal to increase the sidewalk width on both the east and west side of Yonge Street by 3 feet must be approved by City Council and Metro Couincil before it is implemented. This proposal would not affect the sidewalk width for the theatre block.

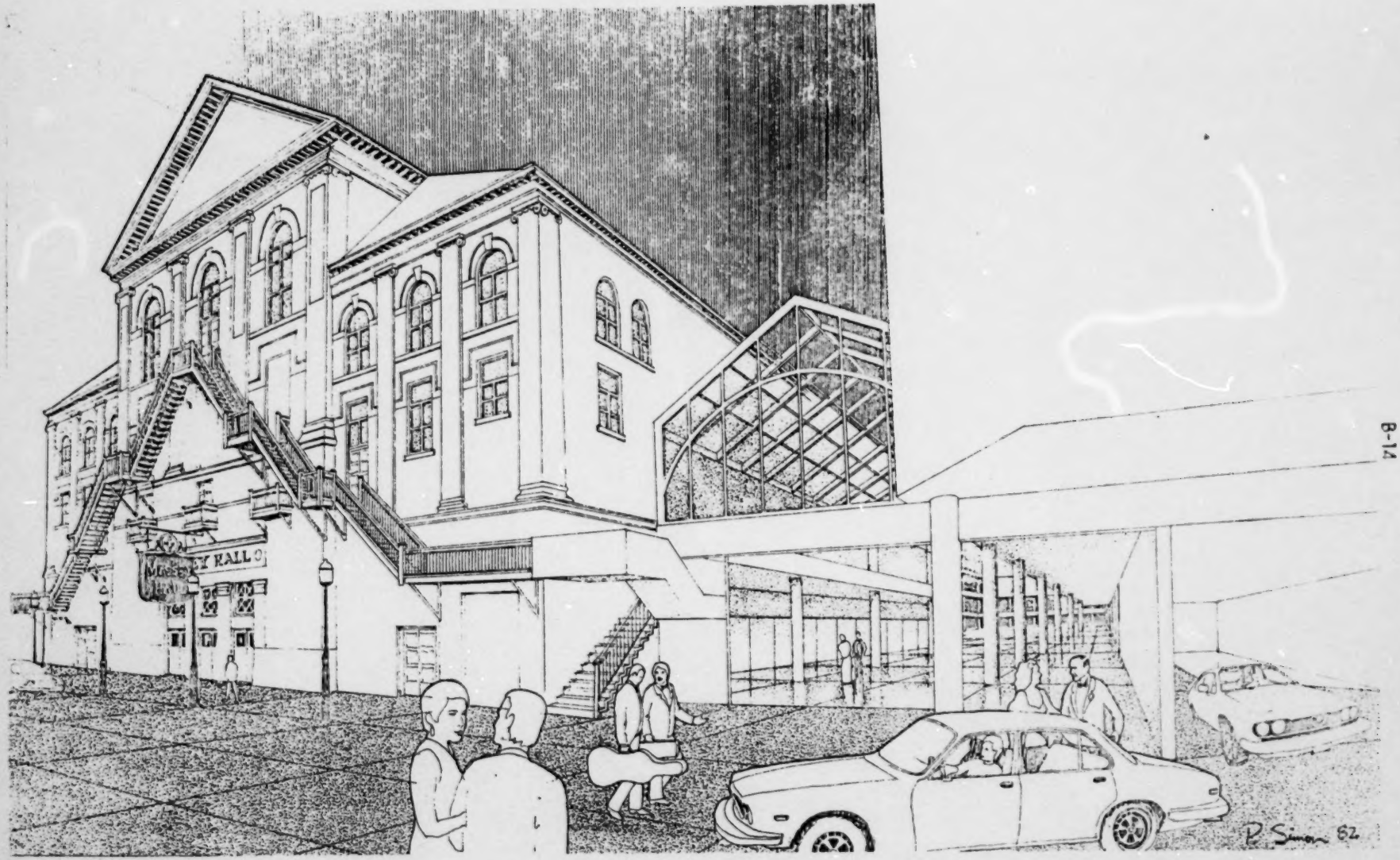
A city-owned lane called "St. Enoch's Square" runs south from Shuter Street adjacent to Massey Hall for approximately one third the length of the block.

B4.0 Revitalization Objectives

Development of new commercial or residential uses on the theatre block should occur in accordance with a comprehensive plan for redevelopment with the aim of achieving the following four primary objectives:

B4.1 Restoration and Reuse of Theatres

The most important objectives of any revitalization scheme should be the restoration and reuse of the three theatres. In conjunction with the restoration of the theatres, a corollary objective should be the correction of current deficiencies in the theatres with regard to such things as lobby, backstage, and service facilities. While the Province has already given considerable attention to how the Wintergarden and Elgin Theatres are to be restored and reused, the future of Massey Hall is more up in the air at this point and will require more detailed consideration and analysis in the context of future planning for the block. As noted earlier, Massey Hall is badly in need of new lobby space and facilities for such things a box office functions and refreshments. These will have to be considered in any future planning of the block and integrated with other activity spaces. Figure 4 provides an illustration of how Massey Hall's lobby space could be increased and integrated with possible hotel uses.



B-14

PERSPECTIVE OF MASSEY HALL
LOOKING SOUTH-EAST FROM SHUTER STREET

APPLICATION No. 1611

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT — REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION — JUNE, 1982

4

F I G U R E 5

Revitalization Concept

(to be available at the meeting
of the Land Use Committee on
June 30, 1982)

B4.2 Development Of A Focus For The Block

Despite their close proximity to one another, it is highly unlikely that the restoration and reuse of the theatres will in itself be sufficient to achieve the overal goals embodied in the concept described above - i.e. a major centre for Toronto theatre and other performing arts and a major tourist attraction. What is required is the provision of a major public space at grade located between the theatres and directly accessible from Yonge Street. This space or plaza would provide both a symbolic and functional focus for the block of which patrons would gain access to each of the three theatres. Figure 5 illustrates the type of major public space that would be required and how the various activities on the block would be focused on it.

B4.3 Development of Complementary Uses

A third objective in achieving the goals noted above would be the provision of other uses and facilities which support and enhance the performing arts centre/tourist attraction concept.

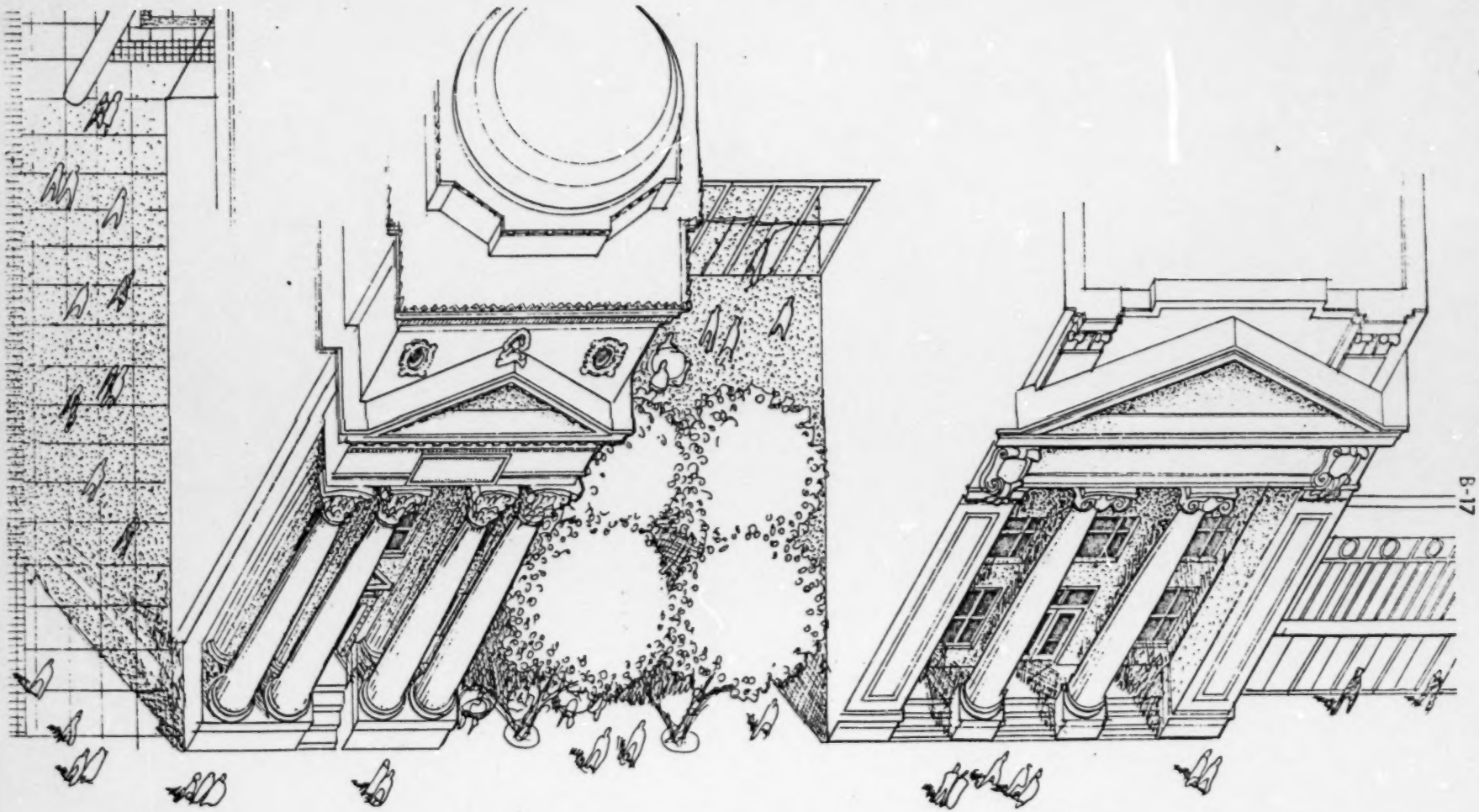
These supporting uses could include:

- a hotel,
- restaurants,
- travel related businesses,
- arts oriented gift shops,
- art galleries, and
- a museum dedicated to the development of the performing arts in Toronto.

These various arts and tourism related uses should be similarly planned in such a way as to be functionally and symbolically tied into the major public space described.

B4.4 Retention And Reuse of Historic Buildings

In addition to the preservation of the three historic theatres, the revitalization plan should place high priority on the retention and integration of the banks, including the banking chambers of the Toronto-Dominion Bank and the Canadian Imperial Bank of Commerce, the Bank of Montreal and the facade of the Heintzman building. As illustrated in Figures 6 and 7, the three banks are particularly well-located and well-suited not only to being integrated into the revitalization of the block but also in playing a key role in making the concept work in terms of scale and sense of place. Also, they are strategically located on the block so as to provide an immediately visible external focus for the major public space on the north part of the block and to any future office uses to the south.



YONGE ST.

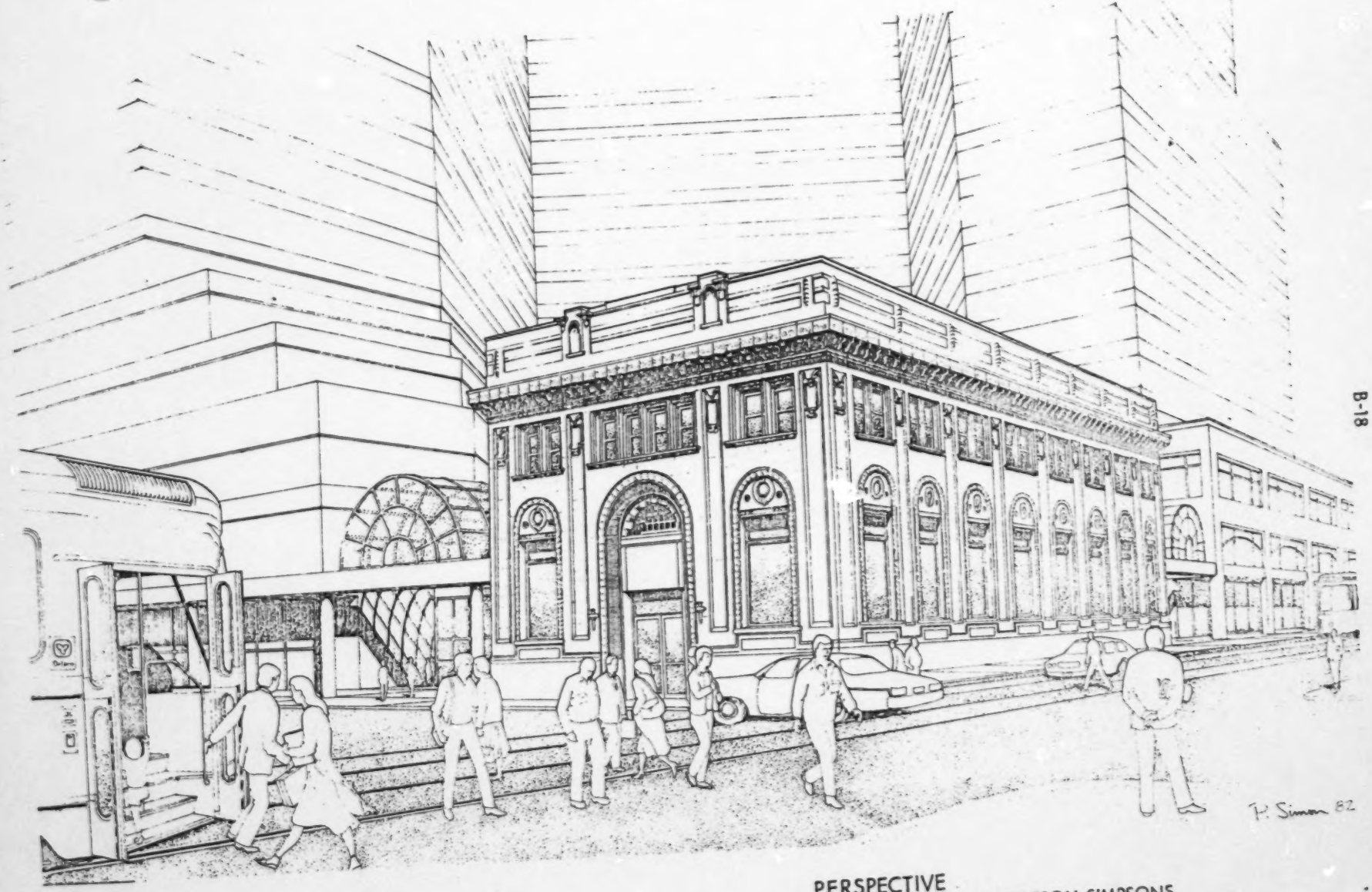
B-17

PERSPECTIVE
LOOKING EAST FROM EATON'S CENTRE

APPLICATION No. 1611

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT — REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION — JUNE, 1982



B-18

PERSPECTIVE
LOOKING NORTH-EAST FROM SIMPSONS

APPLICATION No. 1611

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT — REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION — JUNE, 1982

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B5.0 Redevelopment Options

While each of the above objectives are in and of themselves critical components of the overall revitalization oncept for the block, the overall concept implies a dynamic which transcends the sum of these four components or objectives. This dynamic relates to and depends on the functional and symbolic integration of all the proposed uses for the block.

A preliminary site planning and massing analysis has shown that the revitalization concept described in this report can only likely be achieved if the major components are planned as one project. Minimally, this would require that those lands north of the southern boundary of the Wintergarden and Elgin Theatres be planned and developed as one project. Figures 8 (a) and 8 (b) provide a sample site plan and massing concept that meet the revitalization objectives for the block in a manner which addresses the dynamic of the overall concept.

While the revitalization objectives can be achieved through part block redevelopment as shown in Figures 8 (a) and 8 (b), the site planning and massing analysis has also clearly demonstrated that planning the whole block as one comprehensive project would provide many more opportunities to maximize the revitalization objectives. In particular, it would facilitate the integration of the north and south sectors by way of the provision of a major north-south, mid-block pedestrian walkway at grade. Also, the whole block concept allows for greater flexibility and opportunity with regard to the shifting and deployment of the permitted uses and densities, the resolution of parking and loading requirements, and the massing and design of new buildings. Figures 9 (a) and 9 (b) provide a sample site plan and massing concept that illustrate the merits of such an approach.

B6.0 Implementation

The first step in establishing a revitalization plan for the theatre block is through the incorporation of appropriate revitalization policies in an amendment to the Official Plan. When the Minister of Municipal Affairs and Housing approves the enactment of a redevelopment by-law by Council to designate the block as a redevelopment area under Section 22 of the Planning Act a redevelopment plan should be prepared. Amongst other things, this should contain detailed implementation measures to secure Council's revitalization objectives for the block.

The revitalization concept and plan described here for the theatre block involves the provision of spaces and facilities which do not normally attract private investment, particularly by itself. In order to achieve the objectives set out in this report and maximize the contribution the redevelopment could make to cultural and economic life of the City a detailed feasibility analysis

should be carried out to determine the nature and extent of the incentives to the private sector that may be required to achieve the City's objectives. As well, this analysis should examine the need for and the costs and benefits of greater public sector involvement in the redevelopment of the block. In particular, consideration should be given to the need for the City to become directly involved in the renovation and operation of Massey Hall.

B7.0 Conclusions

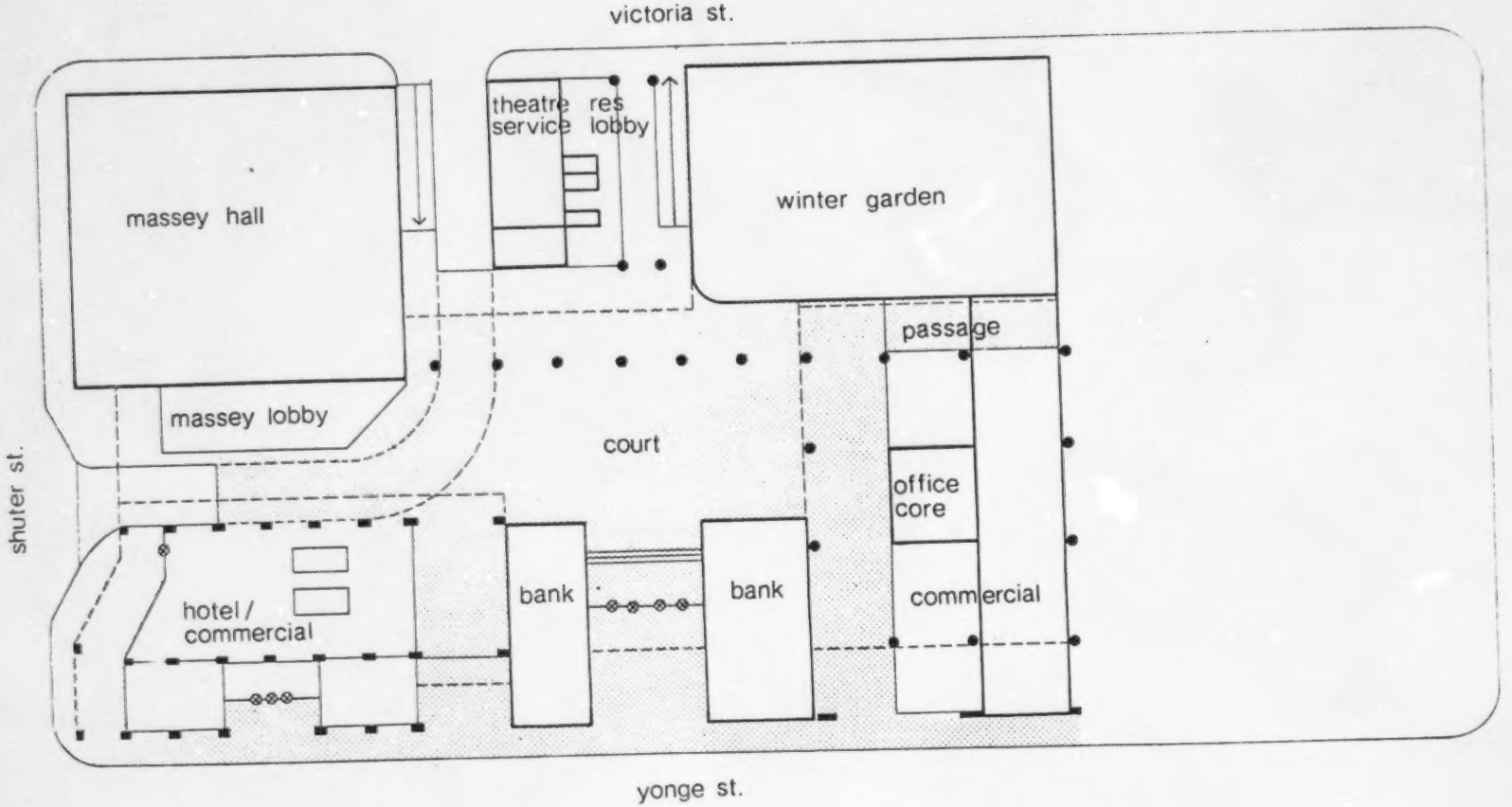
Council should endorse the concept of promoting the revitalization of the Queen/Yonge/Shuter/Victoria block as a theatre district along the lines of that discussed in this report.

The Commissioner of Planning and Development should be authorized:

a) To prepare a proposed Official Plan amendment to provide policies to achieve the revitalization of the theatre block.

b) To conduct a detailed feasibility analysis concerning the implementation of the revitalization plan and in particular the need for and costs and benefits of public sector involvement in the implementation of the revitalization plan described in this report and to prepare appropriate recommendations for consideration by Council dealing, amongst other things, with such implementation measures.

NORTH SECTOR SITE PLAN FIGURE 8 (a)

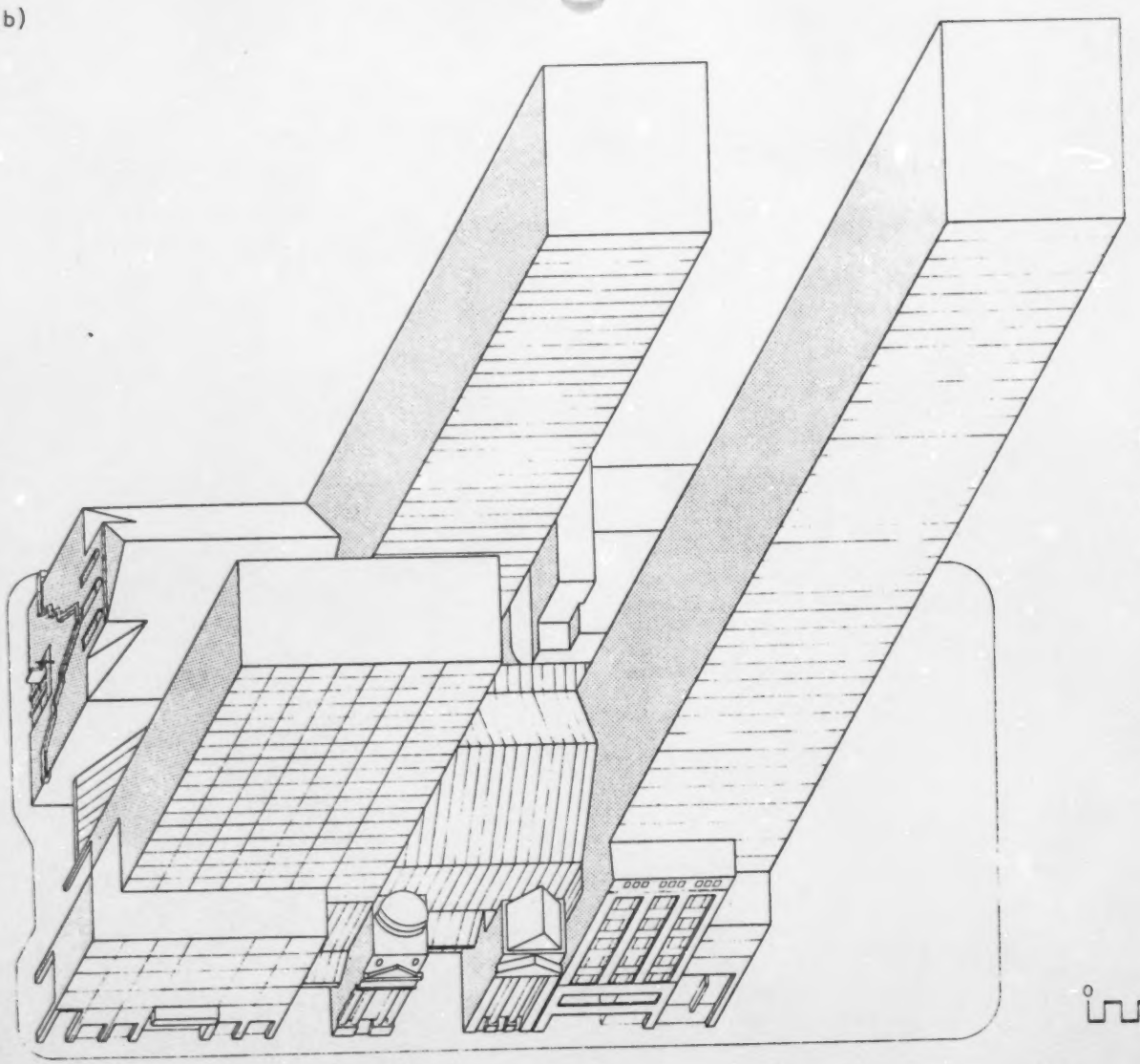


APPLICATION No. 1611

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION JUNE, 1982

FIGURE 8 (b)



B-22

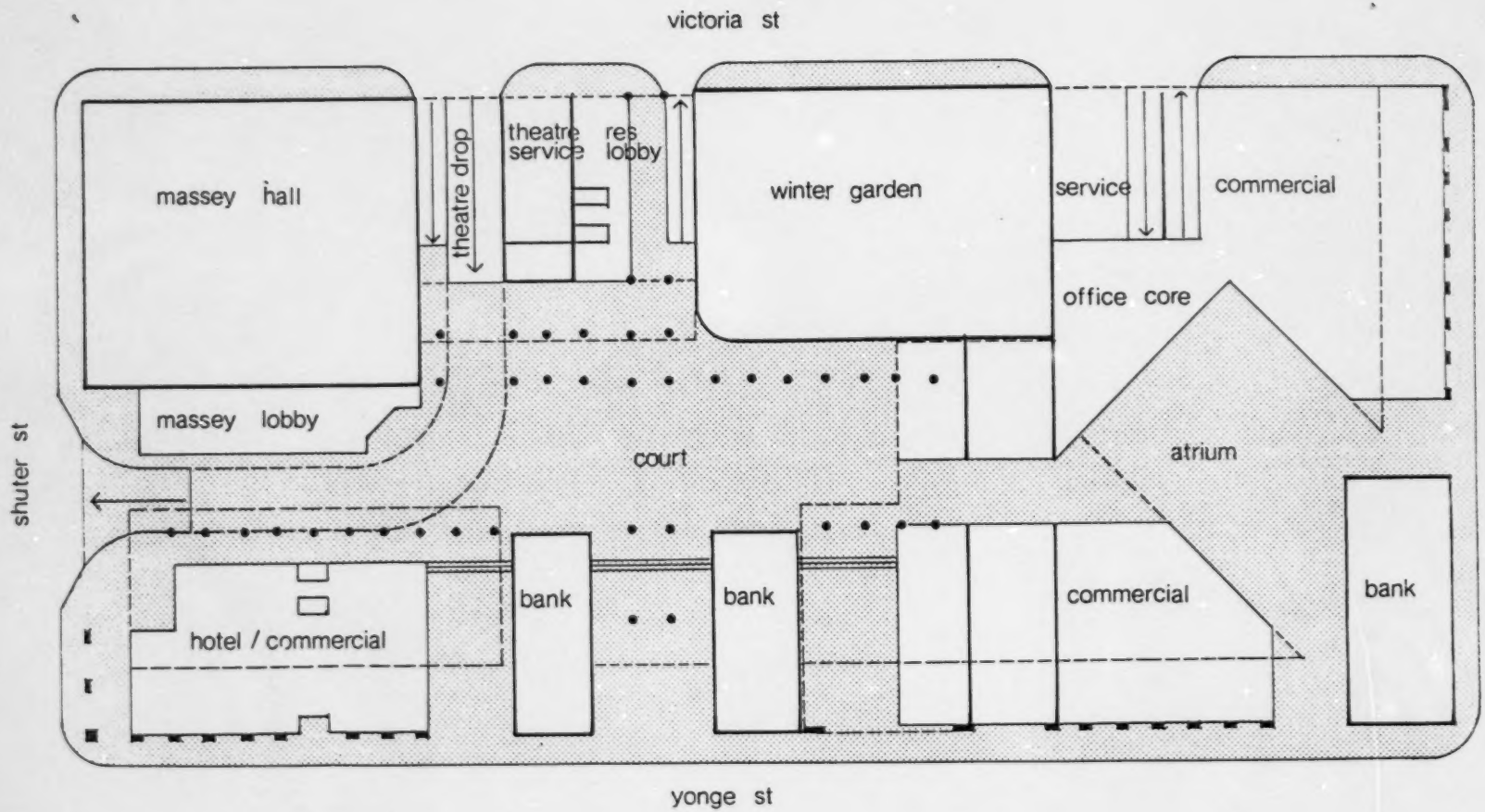
NORTH SECTOR CONCEPT

APPLICATION No. 1611

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT — REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION — JUNE, 1982

WHOLE BLOCK SITE PLAN FIGURE 9 (a)



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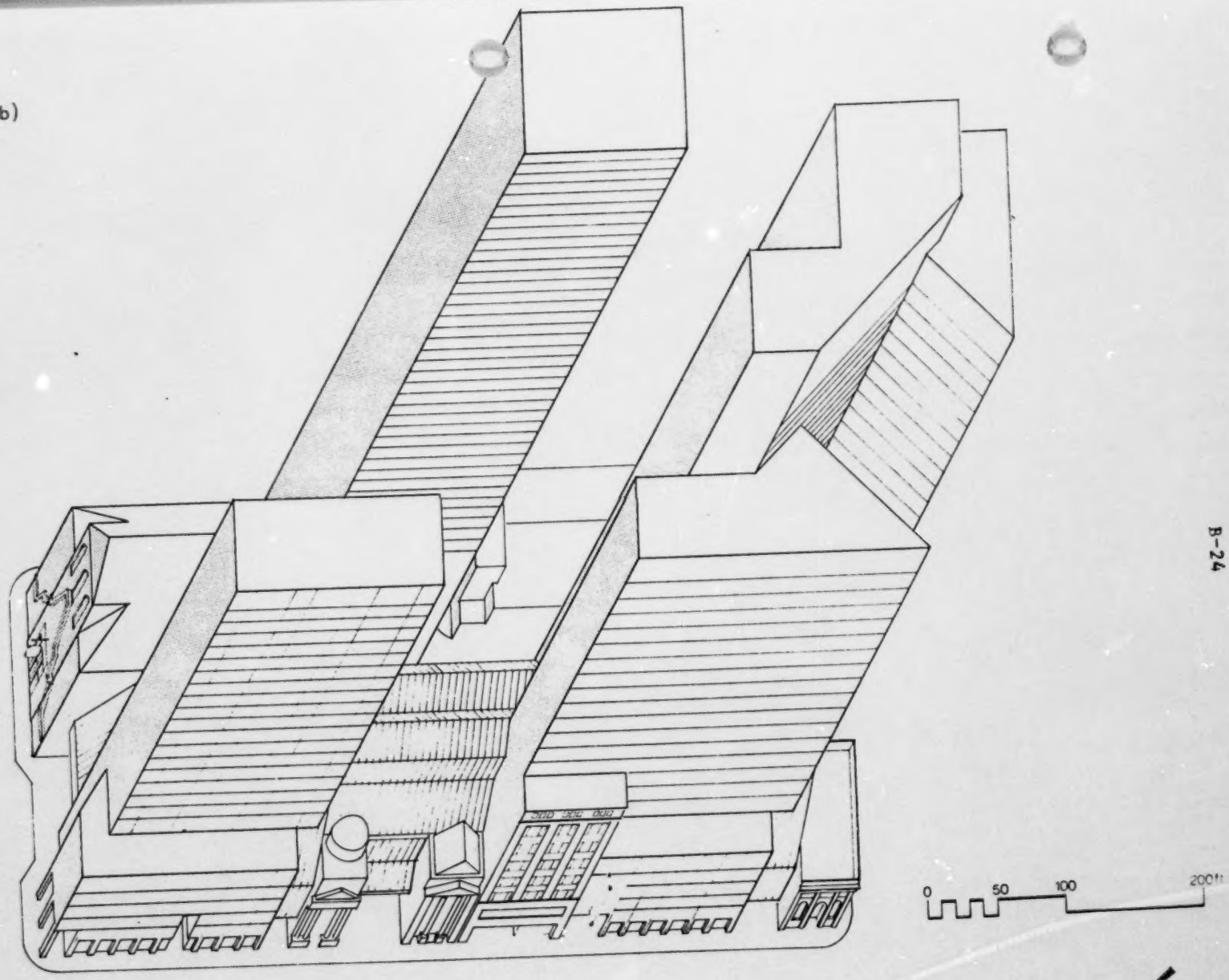
APPLICATION No. 1611

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION JUNE, 1982

FIGURE 9 (b)



WHOLE BLOCK CONCEPT

APPLICATION No. 1611

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING

JUNE, 1982

SECTION C

Subject:

Proposed Official Plan policy to permit transfer of density from historic centres for the performing arts and the achievement of the objective of the revitalization plan for the Queen Yonge Shuter Victoria block.

C1.0 Introduction:

Land Use Committee requested on May 28, 1982:

> "... that the Committee have available to it a Planning Report that assesses the planning opportunities for the block and considers whether the transfer of commercial density off the block is likely to prevent the City from realizing these opportunities."

Concern about the impact that a transfer of commercial density from the Wintergarden/Elgin lands would have on the future development of the Wintergarden block can be related to a series of events respecting either the Wintergarden and Elgin Theatres or the block on which the Wintergarden/Elgin complex is located, some of which have been described in the previous sections of this report, which are summarized below.

C1.1 City Council's Concern

On several occasions City Council has expressed concern about the future development of the block on which the Wintergarden and Elgin Theatres are located and about the need for a co-ordinated planning focus to guide public and private redevelopment on the block in view of the significant historic and cultural facilities on the block. At its meeting on September 21, 1981, Land Use Committee instructed the Commissioner of Planning and Development to report on the importance of designating the blocks bounded by Queen, Yonge, Victoria and Dundas as a redevelopment area under Section 22 of the Planning Act, in response to a letter dated September 18, 1981 (contained in Appendix Four) from Alderman Michael Gee. The report dated October 9, 1981 (also contained in Appendix Four) from the Commissioner of Planning and Development was adopted by Council on October 9, 1981. It recommended that the necessary bills to designate this area as a redevelopment area be introduced stating that:

> "There are a number of buildings of historic significance and the presence of Massey Hall and the (Wintergarden and) Elgin Theatre require a more intense planning involvement to guide public and private redevelopment as it

occurs. This area is first priority for a co-ordinated planning focus".

The Province of Ontario has demonstrated a commitment to the future of the Wintergarden block and to ensuring, as stated by the Honourable Mr. White, that

> "this exciting and beautiful facility, which has been out of the public eye for over 50 years, may be returned to its former magnificence .. for the benefit of the City, the Province and the public as a whole."

However, the approval of the Minister of Municipal Affairs and Housing for the redevelopment area designation, sought by letter dated October 28, 1981 from the Commissioner of Planning and Development and reiterated in April, 1982, has not been granted and therefore Council has been unable to give third and final reading to the by-laws designating the area as a redevelopment area.

C1.2 Province of Ontario

The Province of Ontario through the Ontario Heritage Foundation has agreed to sell excess commercial density from the Wintergarden lands to Citicom to be added to the density of development permitted on 95 Wellington Street West and 12 Piper Street. The objective of the Ontario Heritage Foundation in supporting Citicom's application is to use the cash proceeds from the sale of such excess commercial gross floor area to partially defray the cost of restoring the Wintergarden and Elgin theatres. In his letter of May 4, 1982, the Honourable Mr. White stated:

> "In undertaking this major project, the Province and the Foundation were guided by two motives: the historic restoration of a unique building, constructed by one of North America's pre-eminent architects, Thomas Lamb; and the provision of much needed live theatre space for the public and for the over 100 theatre companies that operate in the City."

Mr. White also stated that

> "...You may be assured that the Foundation and the Ministry are prepared to give the City whatever assurances may be required respecting the restoration of the Wintergarden/Elgin complex..."

C1.3 Massey Hall

City Council has also expressed concern about the future of Massey Hall also located on the Wintergarden block, a cultural facility of national significance and historic value and the location of choice for performances by musicians of international renown because of its accoustic qualities and its intimate scale. It is owned and operated by the Board of Governors of Massey Hall (established by the deed of trust from the Massey Foundation) who are also responsible for the new Roy Thomson Hall which is being built with financial support from the Municipality of Metropolitan Toronto, the Province of Ontario and the Federal government, as well as private donations. When Thomson Hall opens in October 1982, the Board of Governors of Massey Hall will be responsible for it as well as Massey Hall. A condition of City Council's support in 1976-7 for the construction of Thomson Hall was a commitment by the Board of Governors to retain Massey Hall. However, it is not clear how the Board of Governors would reconcile conflicts should any arise between their obligations related to each concert hall, particularly the capital and operating funds required for each facility.

C1.4 Policy Respecting Transfer of Density

Section A discusses the transfer of commercial density from the Wintergarden lands which is sought by Citicom and supported by the Province and outlines the conditions that should be applied if such a transfer is to be permitted. Section A concludes that if Official Plan Amendments proposed to permit the transfer of density from historic buildings containing performing arts facilities are adopted by Council, the Commissioner of Planning and Development should be requested to report on the zoning for the Citicom lands taking into consideration the comments of the Commissioner of Public Works including those respecting the requested lane and street closing, the built form compatibility with existing and proposed uses in the adjacent area and other planning considerations outlined in this report.

Such a policy is described in Section 2.0 below.

C1.5 Revitalization Concept for Theatre Block

Section B of this report outlines a revitalization concept for the Queen Yonge Shuter Victoria block that focuses on the restoration and re-use of the Wintergarden and Elgin theatres and Massey Hall, the conservation of buildings designated as having historic or architectural value or interest under the Ontario Heritage Act and the creation of new facilities and public space, all of which will complement and permit the establishment of a vibrant theatre district.

Section C4.0 below discusses a proposal made by Alderman Rowlands respecting the transfer of density from historic buildings. Sections C5.0, C6.0 and C7.0 describe actions that should be taken before Council adopts the Official Plan Amendments outlined in this report.

C2.0 Density Transfer Policy

C2.1 New Policy

In Section A3.1, it was noted that there is no policy in the present Official Plan that would permit the type of density transfer contemplated by the request of the Province. Because the proposal does not conform to any of the major provisions of the existing density transfer policy, it was concluded that the transfer should not be permitted except in accordance with a new policy incorporated in the Official Plan by way of an amendment to the Official Plan.

C2.2 Density Exemption for Designated Buildings

Section 1A.42 of the Official Plan states that Council will "encourage and facilitate in conservation of buildings in the Central Area which are of historic or architectural value or interest".

This policy has been implemented in the Official Plan by the provision contained in Section 1A.42(b). It provides a density exemption subject to certain conditions and limitations for an historic building in association with a development on a lot that includes the historic building. By exempting all, or a portion of, the gross floor area of the historic building from the calculation of density, this provision, in effect, permits the transfer of all or a portion of the permissible density on the historic building to the immediately adjacent lands that comprise the lot. The amount of the exemption is limited to:

a) the lesser of the gross floor area of the historic building; or

b) an amount that is related to the size of the lot and the area or district in which the lot is located which is:

1.125 x the area of the lot in an HDMCR Area
2.0 x the area of the lot in the Financial District

In practice, the amount of the exemption is largest when the historic building is part of a development on a much larger lot. Thus, this provision provides a useful incentive for retention of an historic building only when additional development on the site is possible. Where the designated building occupies all or most

of the site, this provision is of minimal value unless it is feasible to build an addition on top of the designated building.

C2.3 Application of Section 1A.42(b)

For the Wintergarden and Elgin theatres, the density exemption available under Section 1A.42(b) would amount to approximately 2,298 square metres. This exemption would only be available through rezoning of a lot which includes the Wintergarden lands. Unless additional lands were to be acquired, since the theatres are built virtually to the boundaries of the lot, historic building bonus could only be utilized by development on top of the theatres.

As has been explained earlier, the Wintergarden theatre is located directly above the Elgin theatre. The feasibility of employing any additional density on top of these theatre spaces or in the air space over the long narrow lobby space which opens onto Yonge Street appears very limited.

The possiblity of enlarging the lot on which the Wintergarden and Elgin theatres are located by including adjacent properties is limited by the diverse ownership of adjacent lands and the presence of existing buildings, several of which are of historic or architectural significance.

The same observation may be made in respect of Massey Hall which is also built to the boundaries of its lot although to a density considerably below that permitted by the Official Plan and Zoning By-law.

As the physical characteristics and historic nature of these performing arts facilities effectively preclude the possibility of development, apart from renovations, on their individual lots, it would appear that the provisions of Section 1A.42(b) do not provide a useful incentive to the conservation of either the Wintergarden and Elgin theatres or Massey Hall.

C2.4 Conservation of Historic Theatres

C2.4.1 Density Exemption

The conservation of historic performing arts facilities, such as the Wintergarden and Elgin theatres and Massey Hall could be encouraged and facilitated through an amendment to Section 1A.42 that would provide a density examption along the lines of that provided in Section 1A.42(b) for the designated building and permit the commercial density potential on the lot of such a facility to be utilized on a non-adjacent lot, i.e. through a transfer of density. Such a provision, providing a significant incentive to the conservation of historic performing arts facilities, could be regarded appropriate by Council as an

additional means of implementing the general policy contained in Section 1A.42(a).

However, such a new transfer of density policy would only be appropriate if Council could be satisfied that the monies resulting from the sale of such density would be used to restore and re-use the facility.

Additionally, unless the new transfer of density policy is contained in an Official Plan Amendment and is carefully circumscribed, serious difficulties could arise from relaxing the conditions for the transfer of density. The equity and certainty respecting the use and development of land provided by the approved Official Plan could be eroded. Lands adjacent to both the donor and receiving sites in any transfer could be adversely affected, either through the aggregation of excess density or through the creation of "dead spots" for development through stripping of commercial density. For this reason, the transfer of density, from historic buildings or otherwise, other than in accordance with an Official Plan policy of general application cannot be recommended.

C2.4.2 Exceptional Facilities

The Wintergarden and Elgin theatres and Massey Hall are clearly exceptional facilities. The restoration and re-use of such performing arts facilities will conserve a major component of the City's cultural heritage and enrich the cultural opportunities provided by the City for both residents and visitors.

C2.4.3 HDMCR or Financial District Locations

The transfer of commercial density from such a facility located in a High Density Mixed Commercial-Residential area should be limited either to the HDMCR area south of Grosvenor Street or the Financial District. Both the HDMCR area and the Financial District are described as the location for commercial uses at high densities. Further, within the mixing formula constants that establish the maximum densities permitted by the Official Plan in each area, a sizeable residential component is provided for. If the transferred commercial density were substituted for the residential component in the mixing formula, it could be accommodated without exceeding the maximum density fixed by the constant and therefore be compatible with adjacent lands to which the mixing formula constant has applied since the appproval of these provisions by the Ontario Municipal Board on June 30, 1978.

As is discussed in the 1981 Quinquennial Review, the purpose of the Official Plan provisions setting density limits by Districts or Areas is to attempt to manage growth in an orderly way in order to promote office deconcentration within the greater Metropolitan region and to enable the public sector to respond to demands

placed on the public infrastructure as growth occurs. In approving the 1981 Quinquennial Review report, Council has reaffirmed the Official Plan policy. Decisions should not be taken which, when accumulated, would be inconsistent with this policy. Further, if density transfers between any District or Area were to be permitted as a matter of course, the certainty conferred by the Official Plan would be eroded and a planned approach to development would become impossible to achieve.

C2.4.4 Land Use - Transportation Correlation

As the area between College Street and Front Street is served by the same transportation network and, in particular, by the segments of the Yonge and the University subway lines south of the Bloor-Danforth subway line, restricting transfers to this area will ensure a neutral impact on the land-use transportation correlation upon which the Official Plan povisions are based.

The Bloor Street HDMCR area differs in two significant ways from the HDMCR areas south of Grosvenor.

i) The maximum density permitted is 6.5 x on Bloor Street rather than the 7.8 x applying generally in the HDMCR areas south of Grosvenor. This reflects cvoncern about the built form impact on adjacent areas with their houseform buildings.

ii) The Bloor-Danforth subway line serves this area in addition to the Yonge line as compared with the Yonge and University lines for the HDMCR areas south of Grosvenor. The effect of transferring commercial density from Bloor Street to the Financial District, for instance, would not be neutral in terms of the land-use transportation correlation upon which the Plan is based.

The commercial density limits that are set in the present Official Plan were based on an assessment of the transportation capacity serving the Central Core. The deconcentration of office development specifically is promoted by the Official Plan in part through the limitation of commercial density particularly in the area of highest pressure, the Central Core south of Grosvenor Street. Transfer of density from land located outside this Area, by increasing development potential within the Central Core south of Grosvenor Street, would erode the assumption on which the Official Plan provisions are based, that is that the density assigned to Districts and Areas, by the Official Plan would continue. The land-use transportation correlation is delicate. It should not be upset by an ad hoc decision, but if it is to be changed, this should occur only after a comprehensive review of densities is undertaken.

C2.4.5 Second Priority Areas for Office Development

The Official Plan provides in Section 1A.7(a) that HDMCR areas are to be second priority areas for office development outside the Financial District and within the Central Core "...to maintain a broad range of opportunities for office development in the Central Core and to allow price competition to continue in the market for office space between the Financial District and other parts of the Central Core".

There is currently a considerable price differential in the market value of land between the HDMCR and the Financial District. A recent estimate placed the values in the Queen - Yonge - Shuter - Victoria block at $40 - $50 per built square foot of development vs. $70 per built square foot in the Wellington Street area of the Financial District. It is precisely these high land values and redevelopment pressures that call for incentives to facilitate the conservation of historic buildings. Clearly, a significant financial advantage could accompany a transfer of density from a site in the HDMCR area to the Financial District. Unless tight restrictions are maintained on the transfer of density, the range of opportunity for office development and price competition within the Central Core could be diminished.

C2.5 Amendment to Section 1A.42

Having regard for the unpredictable circumstances that could arise from relaxing the conditions applying to transfer of density, while recognizing that incentives are required to ensure the conservation of historic buildings located in an HDMCR Area or the Financial District, suggests the conclusion that Council should consider amending Section 1A.42 of the Official Plan to provide for a transfer of density as an incentive to the conservation of historic performing arts facilities located in HDMCR or Financial District, subject to certain conditions and limitations.

C2.5.1 General Application

The policy to provide a density incentive for the conservation of historic performing arts facilities should be one of general application, incorporated in the Official Plan by an Official Plan amendment. The incentives available for the conservation of the Wintergarden and Elgin theastres should also be available for the conservation of other historic facilities such as Massey Hall. This is in keeping with a fundamental premise that equity should underly the provisions of the Official Plan.

C2.5.2 Implementation

The general policy would provide for implementation of the transfer of density through implementing site-specific amendments. Specific decisions to implement the general policy should be by

way of an amendment to the Official Plan in order to ensure that Council has an adequate opportunity to review the implications of the proposed transfer as far as the major principles of the Official Plan are concerned. The combination of the general policy framework and site-specific provision is recommended to accommodate the Province of Ontario and facilitate the density transfer.

C2.5.3 Limitation to Performing Arts Facilities

It is not appropriate at this time that this policy should apply except to designated facilities primarily for the performing arts. The transfer of density should be permitted only in exceptional circumstances in order to ensure that certainty respecting use and density of develoment is not diminished, and in order to ensure that the principles underlying the Official Plan provisions are not compromised. The transfer of density should not be regarded, for instance, as a means of circumventing those provisions of the Official Plan that establish maximum densities for development in the Central Core.

If the principles of the Plan are to be changed or if the maximum densities provided in the Official Plan reflecting those principles are no longer appropriate, then a comprehensive review of the Official Plan should be undertaken as provided for in the Planning Act.

C2.5.4 Limitation of Density on Receiving Lot by Constant in Mixing Formula

The mixing formula constant in the Official Plan establishes the maximum density permitted in each Area or District defined by the Official Plan. In addition to its basis in the land-use transportation correlation underlying the Official Plan, the density limitation helps to maintain built form characteristics appropriate to the area. The same provisions apply to all landowners in the area. In the existing transfer policy contained in Section 3A.5(f) the maximum density permitted on the receiving site is restricted to the mixing formula constant for the area. Further, the increase in commercial density must be accompanied by a corresponding decrease in residential density in a mixed-use development under this provision.

This policy is sound and the same limitations should be applied in the proposed policy respecting performing arts facilities: the maximum density on the receiving site should not exceed the mixing formula constant, and an increase in commercial density would result in a corresponding decrease in residential density.

C2.5.5 Built Form

In addition to restricting maximum density on the receiving site to the mixing formula constant of the area or district, the transfer of density should not be permitted uinless it can be demonstrated to the satisfaction of Council that the density is appropriate, having regard for built form considerations, traffic generation and the provision of parking.

C3.0 Proposed Official Plan Amendment

C3.1 Proposed Amendment of general application respecting HDMCR and Financial District

The proposed Official Plan amendment of general application to particular HDMCR Areas and the Financial District (Section 1A.42(d)) is contained in Appendix Six. It is not limited to the present application only. It would provide the adoption of site-specific amendments to the Official Plan to permit the passing of amendments to the Zoning By-law to allow the transfer of densities on the following basis:

1. The implementation of the policy requires application for site-specific Official Plan amendments to be made by the owner of a lot (the "donor lot") containing a property designated under the Ontario Heritage Act on which is located an historic or architecturally significant building (the "historic centre") and the owner of another lot to which it is proposed to transfer density (the "receiving lot").

2. Both lots are to be located either in a High Density Mixed Commercial-Residential Area located in the Central Core, south of Grosvenor Street, or in the Financial District.

3. The owner of the donor lot must propose to restore the historic centre for use or continued use as a centre primarily for the performing arts (defined to mean live theatrical, dance and/or musical productions).

4. Council must be satisfied that the owner of the donor lot will expend the proceeds of the sale of the density permitted to be transferred, as soon as is reasonably practicable to do so, to defray the whole or part of the cost of acquisition and/or restoration of the historic centre or of the whole or part of the cost of acquiring additional land on which to erect and/or the cost of erecting additional facilitires to be used in connection with the use of the historic centre, and further that the historic centre will be used primarily as a centre for the performing arts.

5. Council must have regard for the compatibility of the proposed development on the receiving lot on existing and proposed development on adjacent lands.

6. The transfer of density is limited to commercial gross floor area. It is not available in respect of residential density.

7. The maximum amount available to be transferred to a particular receiving lot is fixed by the commercial gross floor area permitted to be developed on the donor lot (excluding the commercial gross floor area contained in the historic centre), and by the maximum density that may be accommodated on the receiving lot determined by reference to the constant in the mixing formula applicable to that lot.

8. Commercial density on the donor lot restricted to use for street-related retail and service uses is not available for transfer from the historic centre.

The proposed policy may not be used where by-laws have been passed previously under the historic buildings bonus policy (Section 1A.42(b)) applicable to either the donor or the receiving lot, nor under Section 1A.42(b) where by-laws have been passed previously under the proposal policy. The purpose of this provision is to ensure that pyramiding of densities under the two policies is not permitted. Pyramiding could produce unsatisfactory buildings in terms of bulk.

C3.2 Proposed Site-Specific Amendments

Appendix Six also contains a site-specific Official Plan amendment (Section 11.( )) to effect the transfer of part of the available commercial density from the Wintergarden lands to 95 Wellington Street West and 12 Piper Street. The amendments note that they are adopted pursuant to Section 1A.42(d) (discussed above in Section C3.1). They authorize by-laws passed to permit the increase in commercial gross floor area of 95 Wellington Street West and 12 Piper Street to 10,692 square metres, that is 12 (the constant in the mixing formula applicable to the Financial District) times the area of these two properties. Since the lane separating them has not been closed by Council, the area of the lane has not been taken into account in determining the maximum permitted commercial gross floor area.

By-laws may be passed under this policy to permit an increase in the commercial density of 95 Wellington Street West and 12 Piper Street only if at the same time by-laws are passed to reduce the permitted commercial gross floor area of the Wintergarden lands by an amount equivalent to the increase on the former properties. As a result, the amount of commercial gross floor area that may be

constructed on the Wintergarden lands after the transfer would be 4,510 square metres (that is 4.5 times the area of the Wintergarden lands, less the amount of density transferred to 95 Wellington Street West and 12 Piper Street).

C4.0 Alderman Rowland's Request:

At its meeting on April 5, 1982, the Land Use Committee requested the Commissioner of Planning and Development to report on a letter dated March 22, 1982 from Alderman Rowlands (contained in Appendix Five) respecting the transfer of density from historic buildings. In particular Alderman Rowlands requested that the Commissioner of Planning and Development report on the necessity of an Official Plan Amendment that would read as follows:

> "It is the policy of Council that when an owner of an historical building, recognized by the Provincial and Federal governments and so designated under the Ontario Heritage Act has been granted a density bonus by the way of an Official Plan Amendment and subsequently the owner wishes to transfer some portion of the extra density to another site, that the portion of the extra density deemed transferable shall not have a greater market value at the new site than the whole of the extra density at the original site at the date of application for transfer of density."

It was noted above that recent estimates have placed a market value of $45-$50 per built square foot for land in the Queen, Yonge, Shuter area and $60-$70 per built square foot in the Wellington, York area. It is not recommended in this report that there should be a reduction in the density rights or their value to reflect this difference in values. Instead, it is recommended that Council should be satisfied that monies generated by the sale of density from the Wintergarden and Elgin theatres will be spent on the conservation of the theatres. However, if consideration were to be given to developing policies applicable to situations other than those covered by the policy described above, or to permitting the transfer of density on an ad hoc basis without regard to an Official Plan policy of general application, the concerns Alderman Rowlands states in her letter should be addressed.

The transfer of density should not be used to raise the value of lands in the High Density Mixed Commercial-Residential area to the value of Financial District land. This could result in the reduction or cessation of future development on the High Density Mixed Commercial-Residential areas and increased development at higher densities in the Financial District.

If the policies and the provisions respecting the maximum density established by the Official Plan for the Financial District are no longer appropriate, then a comprehensive review should be undertaken. If such a review indicates an amendment to their provisions as appropriate, that amendment should be of general application so that the maximum density provisions apply equally to all lands in the area.

C5.0 Provincial Concurrence and Best Efforts respecting Massey Hall

The restoration of the Wintergarden and Elgin theatres is an important objective of the proposed revitalization plan for the Wintergarden block discussed in Section B of this report. The sale and transfer of certain development rights to 95 Wellington Street West and 12 Piper Street can only be supported on the basis that if Council is satisfied that the monies so produced will be expended on the acquisition and/or restoration of the theatres as centres primarily for the performing arts.

The Province of Ontario is an impoirtant financial contributor to Massey Hall and Thomson Hall. The restoration of Massey Hall is another important objective of the revitalization plan for the Wintergarden block. The Minister of Citizenship and Culture should be requested to use his best efforts with the Board of Governors of Massey Hall to:

i) to secure the cooperation of the Trustees of Massey Hall in the achievement of the implementation of the revitalization plan, and in the restoration and continuation of Massey Hall as a first-class performing arts centre;

ii) to ensure that all funds produced by the sale of development rights from Massey Hall for exercise on or off the Wintergarden block, are committed by the renovation of Massey Hall, including the provision of new lobby and ancillary facilities linking Massey Hall to the two theatres and to the public space in a manner that is consistent with the revitalization plan.

Before Council should make a decision in this regard, further inquiries of the Province need to be made. Accordingly, it is recommended that Alderman Michael Gee, Chairman of the Land Use Committee, be authorized to contact the Minister of Citizenship and Culture and the Ontario Heritage Foundation and ask for their concurrence with this report.

Alderman Gee should be requested to report back to the Land Use Committee at its meeting of July 7, 1982 on this matter.

The adoption by Council of the necessary bills to give effect to this report should be deferred until the Minister of Citizenship and Culture indicates his concurrence with this report and undertakes to use his best efforts with the Board of Governors of Massey Hall as set out above.

C6.0 Further Studies

As is noted in Section B of this report, further work will be required to develop an appropriate Official Plan Amendment to give effect to the revitalization concept plan. Additionally, a detailed feasiblity analysis concerning the implementation of the revitalization plan and, in particular, the need for and costs and benefits of public sector involvement in the implementation would be undertaken. I recommend that it be requested to discuss with representatives of the Province possible terms of reference and the Province s willingness to participate on a cost-sharing basis in the cost of retaining consultants to conduct the feasibility analysis, and to report to the appropriate Committee.

C7.0 Process

Since Official Plan Amendments are proposed, this report should be transmitted to the Planning Board. The Board should be asked to hold a public meeting and to consider whether it can recommend these amendments to Council for adoption as Official Plan Amendments.

Recommendations:

1. That, subject to the Minister of Citizenship and Culture and the Ontario Heritage Foundation indicating their concurrence with this report and the Minister of Citizenship and Culture undertaking to use his best efforts with respect to the Board of Governors of Massey Hall as set forth in Section C of this report, Council approve this report and instruct me to transmit it to the Planning Board with a request to hold a public meeting to consider the proposed Official Plan amendments contained in Appendix Six, and report thereon to Council as soon as possible.

2. That, if recommendation 1 is approved by Council, I be requested to report on the zoning for 95 Wellington Street West and 12 Piper Street, taking into consideration the comments of the Commissioner of Public Works, respecting the requested lane and street closings, the resulting built form and compatibility of it with existing and proposed developments on adjacent lands and other planning considerations as outlined in Section A of this report.

3. That I be requested to

   (a) prepare a proposed Official Plan amendment to provide policies to achieve the revitalization of the Wintergarden theatre block as set out in Section B of this report;

   (b) conduct a detailed feasibility analysis concerning the implementation of the revitalization plan and in particular the need for and costs and benefits of public sector involvement in the implementation of the revitalization plan described in this report and to prepare appropriate recommendations for consideration by Council dealing, amongst other things, with such implementation measures; and

   (c) discuss with appropriate representatives of the Province of Ontario possible terms of reference of the analysis referred to in recommendation 3.(b) and whether the Province will participate on a cost-sharing basis in the cost of retaining consultants to conduct that analysis, and report thereon to the appropriate Committee.

4. That I be requested to report back to Council, if necessary, on my discussions with the appropriate representatives of the Province of Ontario respecting the implication of the proposed Official Plan amendments referred to in recommendation 1 which would, when implemented, permit the transfer of approximately 50,000 square feet of commercial gross floor area from the

Wintergarden lands to the Citicom lands referred to in this report.

5. That the Chairman of the Land Use Committee be authorized to make the inquiries of the Province referred to in Section C of this report.

Stephen G. McLaughlin,
Commissioner

Appendix One

Letter from Weir & Foulds to City Clerk dated April 26, 1982

Re: 95 Wellington Street West and 12 Piper Street

We are delivering herewith 13 copies of an application for Official Plan and zoning by-law amendment together with copies of a survey of the properties and architectural renderings.

This application relates solely to the lands between Wellington and Piper Streets but should be read in conjunction with Citicom's earlier application to close a portion of the lane between the two parcels of land and an application which we understand is being made by the owners of the Wintergarden Theatre.

The Minister of Culture and Recreation has entered into an agreement with Citicom under which Citicom will pay a substantial sum to the Minister if the Official Plan Amendment and zoning by-law is passed increasing the density of the lands owned by Citicom between Wellington and Piper by the amount of density which is to be unused on the Wintergarden site. We understand that the Minister will be utilizing the funds received for the restoration and operation of the theatre as a cultural amenity to the City.

We are not putting forward this application under the density transfer provisions of the Official Plan or as an amendment to these provisions. Rather, this application is for increased density on the lands owned by Citicom. We ask the City to consider the application on its planning merits as a project which fits into the scale of what is proposed for this area and also to bear in mind the collateral benefit that will accrue from the companion application on the Wintergarden site and the utilization of the funds which will be paid to the Minister of Culture and Recreation.

In summary, we are asking the City to permit a develoment on Wellington Street greater than that allowed under the Official Plan in order to secure for it and the citizens of Toronto the planning, social and cultural benefit of the improvements to the theatre.

Yours very truly,

WEIR & FOULDS

(Signed)

James J. Carthy

Appendix Two

Letter from The Ontario Heritage Foundation to His Worship the Mayor and Members of Council dated May 4, 1982

Re: Wintergarden/Elgin Theatres Restoration
189 Yonge Street, Toronto
Transfer of Commercial Densities to the Financial District

As you know, in December of 1981, The Ontario Heritage Foundation and the Government of Ontario took the unprecedented step of acquiring the Wintergarden/Elgin theatre complex on Yonge Street for the purpose of renovating and restoring them as major live theatre spaces for the benefit of Toronto and the Province as a whole.

In undertaking this major project, the Province and the Foundation were guided by two motives: the historic restoration of a unique building, constructed by one of North America's pre-eminent architects, Thomas Lamb; and the provision of much needed live theatre space for the public and for the over 100 theatre companies that operate in the City.

As you also know, the Foundation and the Province have entered into an agreement with the private sector, being a consortium headed by Mr. Garth Drabinsky, to manage and operate the theatres once restored.

The restoration costs, as well as the costs of upgrading the facilities to modern standards, are quite substantial, and, in order to minimize these costs to the public sector, the Ministry of Citizenship and Culture has, over the last two years, discussed with you and your staff, and with your predecessor administration, the sale of commercial densities off the site.

From a financial point of view, the Foundation and the Ministry require approximately $7 million from the sale of those densities in order to defray part of the cost of restoration and reconstruction of the facilities. As you know, the Foundation and the Ministry have found a purchaser for the densities, the purchaser being Citicom Inc., who has agreed to purchase the commercial densities from the Wintergarden site for the price of $7 million, based on 100,000 square feet of commercial floor area being transferred or added to the site which they propose to develop.

The Wintergarden/Elgin lands are designated High Density Mixed Commercial-Residential in the City's Official Plan, and are zoned CRL 4.5 U480. The commercial density on the site, therefore, is 4.5 x the lot area, producing some 100,000 square feet of commercial (i.e., "non-residential") floor area on the site. The

Official Plan also provides for bonuses which may be given for the preservation of historic buildings, but the bonus provided for in the Official Plan is only up to a maximum of 25% of the commercial density of a site. In the case at hand, it is our belief that the building in question is virtually unique -- being an enormously complex structure, housing two major theatre spaces, one on top of the other, with elaborate grand staircases, balustrades, and of major architectural and heritage importance. The restoration and reconstruction costs will be large. We would ask that the entire floor area of the Wintergarden/Elgin theatre complex, together with the additional public and other areas to be added (i.e., those areas which we, ourselves, propose to use to make the building fully functional) be granted a special historic bonus, or be exempted from the calculation of "non-residential" floor area, and that the site be restricted in its use to the operation of two performing theatres together with ancillary uses.

I believe you are in receipt of an application by Citicom Inc. for the addition of 100,000 square feet of commercial floor area to their site on the south side of Wellington Street. Please treat this letter as an application and our request to you and the City Council to transfer 100,000 square feet of commercial density from the Wintergarden/Elgin lands to the Wellington Street property of Citicom Inc. Our staff and our legal advisers, Messrs. Perry, Farley & Onyschuk, Barristers and Solicitors, are prepared to meet with your staff, as may be required, and to file the necessary official plan and/or zoning by-law amendments that may be required in this regard.

You may be assured that the Foundation and the Ministry are prepared to give the City whatever assurances may be required respecting the restoration of the Wintergarden/Elgin complex, and in that regard we have already proceeded to involve (at your kind offer) your Commissioner of Buildings and his staff to assist in technical matters respecting this. I enclose herewith copies of the booklet generally setting forth the design specifications of the restoration, as well as the new elements that would be added to the complex to bring it up to current theatre standards. Also enclosed are the Province's restoration guidelines and specifications for the project.

The actual final design drawings are being worked on at this moment by a team of consultants, as well as architects and restoration architects, engaged by the Foundation and the Drabinsky Group.

I hope that we may continue to have from you the favourable co-operation and assistance which we have received in the past in the major restoration project, and that the necessary applications for the transfer of the commercial densities might be expedited in order that this exciting and beautiful facility, which has been out of the public eye for over 50 years, may be returned to its

former magnificence -- for the benefit of the City, the Province and the public as a whole.

Yours very truly,

John White, Chairman

Appendix Three

Letter from Alderman Michael Gee to Members of the Land Use Committee dated May 28, 1982

Re: Wintergarden/Elgin Theatres Restoration
(189 Yonge Street, Toronto) and
Transfer of Commercial Densities to the
Financial District

By letter dated May 21, 1982, Mr. B. S. Onyschuk, the solictor for the Ontario Heritage Foundation and the Ministry of Citizenship and Culture wrote to the Land Use Committee requesting that his delegation in respect of the above matter, as well as that by Citicom Inc., be placed together on the Committee's agenda for its meeting on May 31, 1982.

The Wintergarden/Elgin Theatres are located in one of the blocks which Council has recommended should be designated as a Redevelopment Area under The Planning Act. The necessary by-law will be enacted when the approval of the Ministry of Municipal Affairs and Housing has been received.

The Wintergarden Theatres and Massey Hall dominate this block and are major cultural resources for the City and the Province. I am concerned that the Wintergarden block presents the City with important opportunities which, if grasped, will ensure that the Wintergarden/Elgin Theatres as well as Massey Hall will play a vital role in the future in the cultural and economic life of the City and the Province. I believe that in order to properly evaluate the merits of the proposed transfer of commercial density rights from the Wintergarden/Elgin Theatre to a site off the block, it is essential that the Committee have available to it a Planning report that assesses the planning opportunities for the block and considers whether the transfer of commercial density off the block is likely to prevent the City from realizing those opportunities.

I have requested that the Commissioner of Planning and Development bring forward a report on this matter at the same time that he reports on the application by Citicom Inc. for the proposed transfer of commercial density to 95 Wellington Street. I have also asked the Commissioner to submit both reports to the Committee for consideration at its meeting on June 14, 1982 because of the urgency of the matters.

Yours truly,

(Signed)

Michael Gee

Appendix Four

DESIGNATION AS REDEVELOPMENT AREA -
BLOCKS BOUNDED BY QUEEN, YONGE,
VICTORIA AND DUNDAS STREETS

The Committee recommends the adoption of the recommendation in the communication (September 18, 1981) from Alderman Gee:

Since the adoption of the final recommendations of the Central Area Plan, several events have occurred which make it advisable to re-examine the development potential and direction of some parts of the downtown core.

One such area of vital importance to the future of the City Centre are the blocks bounded by Queen Street, Yonge Street, Victoria Street and Dundas Street. Since the Official Plan amendment, consideration of this area, the creation of the Yonge Street Improvement Committee, the fact that the new Massey Hall is nearing completion (thus bringing into question the future of the old Massey Hall) and perhaps, most important, the intention of the Provincial Government in the acquisition and restoration of the Elgin and Wintergarden Theatres, make it important for us to reassess the future development of this area.

I would submit to the members of the Land Use Committee that the most effective vehicle for accomplishing this purpose would be to designate this area as a Redevelopment Area under Section 22 of The Planning Act. The passing of such a by-law provides for a study to be carried out which would deal in some detail with the planning objectives to be sought. Since there is an imminent danger of present development outdistancing such a study, time is very definitely of the essence.

Recommendation: That the Commissioner of Planning and Development be requested to report directly to City Council on October 9, 1981, on the importance of this course of action, and further that the City Solicitor be requested to prepare a draft by-law designating this area for re-development pursuant to Section 22 of The Planning Act.

(Council Action)

During consideration of this Clause, Council also had before it the following report (dated October 9, 1981) from the Commissioner of Planning and Development:

Subject: Designation as redevelopment area - Blocks bounded by Queen, Yonge, Victoria and Dundas Streets. (Cl. 7, L.U.C. 21 (E.C. 49).

Origin: Commissioner of Planning and Development. (c71cnc181072:43)

Comments:

At its meeting of September 21, the Land Use Committee instructed me to report directly to Council for its meeting of October 9, 1981, on the importance of designating the blocks bounded by Queen Street, Yonge Street, Victoria Street and Dundas Street as a redevelopment area under Section 22 of The Planning Act. The City Solicitor was also instructed to prepare a draft by-law designating this area.

The area in question fronts on Yonge Street, immediately across from the Eaton Centre Complex. No substantial redevelopment of this area has occurred. The blocks have a multiplicity of owners, and any redevelopment that occurs should be done in a coordinated manner in order to ensure that City objectives are met. There are a number of buildings of historic significance, and the presence of Massey Hall and the Elgin Theatre require a more intense planning involvement to guide public and private redevelopment as it occurs. This area is first priority for a coordinated planning focus. There may be others that require a similar kind of effort.

The designation as a redevelopment area under Section 22 of The Planning Act will help the City in determining its objectives for the area.

Recommendation:

1. That leave be granted to introduce the Bills designating the blocks bounded by Queen, Yonge, Victoria and Dundas Streets as a redevelopment area under Section 22(2) of The Planning Act.

2. That Council authorize the Commissioner of Planning and Development, after second reading of the designating bills, to seek the approval of the Ministry of Housing for said designation.

3. That the authority in Clause 7, Land Use Committee 21 be amended accordingly.

Alderman Gee, seconded by Alderman Paton, moved that this Clause be amended by striking out the recommendation of the Land Use Committee and inserting in lieu thereof the following:

"It is recommended that the report (dated October 9, 1981) from the Commissioner of Planning and Development be adopted."

which was carried.

Adoption of the Clause as amended was carried. October 9, 1981.

Appendix Five

Letter from Alderman June Rowlands to Alderman Michael Gee, Chairman, Land Use Committee.

Re: Density Transfer - 252 Adelaide Street East.

In the past, City Council has fully supported the preservation of buildings designated as having architectural or historic significance under The Ontario Heritage Act.

Part of the process of encouraging such preservation in the Central Area Plan is the granting of an extra density bonus, and the permitted transfer of part of the unused density to another site. However, in the light of recent transfer-of-density experience involving designated sites, I am concerned about the process involved in the sale and transfer of the unused density from the designated site to another location.

I am, therefore, requesting that your Committee consider asking the Commissioner of Planning and Development to report on:

1. implementing controls whereby the portion of the extra density bonus deemed transferable from the historical site shall not have a greater market value on the new site than the market value of the whole extra density granted at the old site at the time of the application for a transfer. And, further request the Commissioner of Planning and Development to report on the necessity for an Official Plan Amendment to read:

   It is the policy of Council that when an owner of an historical building, recognized by the Provincial and Federal governments and so designated under The Ontario Heritage Act has been granted a density bonus by the way of an Official Plan Amendment and subsequently the owner wishes to transfer some portion of the extra density to another site, that the portion of the extra density deemed transferable shall not have a greater market value at the new site than the whole of the extra density at the original site at the date of application for transfer of density.

2. the advisability of broadening the City's present historic site density bonus policy to continue to insure the preservation of architecturally important and historic buildings.

Sincerely,

June Rowlands
Executive Alderman - Ward 10

The Committee received the foregoing.

Appendix Six

Proposed Official Plan Amendments

1A.42(d)(i) Notwithstanding any other provision of this Plan with the exception of Section 1A.42(a), on applications therefor by:

(a) the owner of a lot (hereinafter called the "donor lot") located in the Central Core and either within a High Density Mixed Commercial-Residential Area south of Grosvenor Street, or within the Financial District, which lot includes a designated property within the meaning of the Ontario Heritage Act, on which property is erected a building having historic or architectural value or interest which the owner proposes to restore for use or continued use as a centre primarily for the purposes of accommodating performing arts (which building is hereinafter called the "historic centre"), and

(b) the owner of another lot located in the Central Core and either within a High Density Mixed Commercial-Residential Area south of Grosvenor Street or within the Financial District (hereinafter called the "receiving lot"),

Council may adopt Amendments to this Plan applicable to the donor lot and to the receiving lot, respectively, the effect of which is to:

(aa) reduce the maximum commercial gross floor area which may permit to be erected and used on the donor lot by by-laws passed in conformity with this Plan, by an amount up to an amount (hereinafter called the "density permitted to be transferred") equal to the amount of commercial gross floor area (hereinafter called the "existing gross floor area") which, immediately prior to the date of adoption of Amendments pursuant to this Section, was permitted to be erected or used on the portion of the donor lot which has coincided with the boundaries of the designated property containing the historic centre, but excluding from the calculation of the existing gross floor area, the amount of the commercial gross

floor area contained within the historic centre immediately prior to the date of adoption of such Amendments, and

(bb) increase the maximum amount of commercial gross floor area which may be permitted to be erected and used on the receiving lot by by-laws passed in conformity with this Plan, by an amount up to an amount equal to the amount of the density permitted to be transferred from the donor lot,

provided that,

(1) Council is satisfied that the owner of the donor lot will expend the proceeds of the sale of the density permitted to be transferred, as soon as is reasonably practicable to do so, to defray the whole or part of the cost of acquisition and/or restoration of the historic centre, or of the whole or part of the cost of acquiring additional land on which to erect and/or the cost of erecting additional facilities to be used in connection with the use of the historic centre, and further that the historic centre will be used primarily as a centre for the performing arts;

(2) the maximum amount of density permitted to be transferred from the donor lot to the receiving lot shall not in any case exceed the amount of commercial gross floor area which when combined with the amount of commercial gross floor area permitted to be erected and used on the receiving lot immediately prior to the date of the adoption by Council of Amendments pursuant to this Section, would exceed an amount equal to the constant in the mixing-formula for the Area or District in which the receiving lot is located;

(3) the maximum amount of density permitted to be transferred shall exclude density estimated to be used for street-related retail and services uses; and

(4) Council has regard for the compatibility of the development which may be erected and used on the receiving lot with development which is or may be located adjacent thereto.

1A.42(d)(ii) A By-law shall not be passed under Section 1A.42(d) in a case in which a by-law applicable to either the

donor lot or the receiving lot previously has been passed under Section 1A.42(b), nor shall a by-law be passed under Section 1A.42(b) in a case in which a by-law has previously been passed under Section 1A.42(d) applicable to either the donor lot or the receiving lot, as the case may be.

1A.42(d)(iii) For the purposes of this Section the term "performing arts" means live theatrical, dance and/or music productions.

Lands at 189 Yonge Street, 12 Piper Street and 95 Wellington Street West

11.(___) This policy is adopted pursuant to Section 1A.42(d) of this Plan

Notwithstanding any other Section of this Plan, by-laws may be passed applicable to the lands known for municipal purposes in the year 1982 as 95 Wellington Street West and 12 Piper Street to permit the erection and use thereon of buildings or structures containing exclusively commercial gross floor area in an amount not exceeding 10 692 square metres on 95 Wellington Street West, and 3 360 square metres on 12 Piper Street, provided that the maximum gross floor area does not exceed 12 times the area of the lot in either case, provided that by-laws are passed to limit the maximum amount of commercial gross floor area that may be permitted to be erected or used on the lands known for municipal purposes in 1982 as 189 Yonge Street shall not exceed 4 510 square metres.

24

MAYOR'S THEATRE BLOCK TASK FORCE

The Executive Committee submits the report (February 23, 1983) from Mayor Eggleton:

Members of Council will recall the June 29, 1982, report from the Commissioner of Planning and Development to the Land Use Committee concerning the transfer of commercial densities from the Wintergarden and Elgin Theatres to the Financial District.

In that report, Section B dealt with a revitalization concept for lands in the block bounded by Queen, Yonge, Shuter and Victoria Streets, including the Wintergarden and Elgin Theatres and Massey Hall.

Since that time, Members of Council will also recall, the negotiations over Eaton Centre Phase II brought the City ownership of the property at 201 Yonge Street, the site of the former Colonial Tavern, a key element in any redevelopment plan for the block in question.

The Chairman of the Land Use Committee at that time was Alderman Michael Gee who has previously worked extensively on a detailed study for the possible redevelopment of this block.

In recent months I have met with senior members of the Board of Governors of Massey Hall to hear their concerns about the area and the Commissioner of Planning and Development and Alderman Gee have had discussions with Provincial officials regarding progress on the Wintergarden Project.

In order to implement Council's wishes on the matter and to protect the value of the City's property on the block, I am recommending as follows:

1. That a Mayor's Task Force be set up for the Theatre Block to report on the following three areas:

    1. Theatre revitalization.
    2. Historic Building preservation.
    3. An overall planning framework.

2. That the Task Force particularly address itself to the economic impact of revitalization of the Theatre Block with its effect on job creation, tourism and other economic factors such as hotel, restaurant and other leisure-related retail applications.

3. That Alderman Michael Gee be appointed Chairman of the Mayor's Theatre Block Task Force and that he be assisted by the Commissioner of Planning and Development and the appointee of the City Solicitor.

4. That the Chairman be requested to report back to the Executive Committee as early as possible.

5. That reports from the Task Force on the various topics be submitted to the appropriate Standing Committee.